The GA ANO Review

Thematic public consultation

Contents

Foreword

Reflecting on the last 18 months, I believe the CAA has reason to be encouraged that we are delivering on our promises regarding the reform of General Aviation regulation. There is a sense of momentum both within and outside of the organisation. The public commitments that have been made towards this are ambitious, but I am confident we will continue to live up to them.

Some of the changes have been iconic, such as the ability to pay for a ride in a Spitfire, for an aerodrome to introduce pilot controlled lighting, or to install a foreign approved modification on a UK registered aircraft, with no CAA involvement. Through diligence, determination and strong stakeholder support, we have begun to overturn some sacred cows. We have given careful consideration to the risks and complexities around every issue, and drawn consistent conclusions. This approach has ensured that we do not undermine the UK's outstanding record of safety assurance for non-participating third parties.

With that in mind, it is timely that we are reviewing all areas of the Air Navigation Order that are relevant to GA, and ensuring they are consistent with our objectives in this area. If done narrowly, this exercise could easily have become a post hoc justification of the current text, with little real challenge taking place. Similarly, by examining each article individually, a sense of the wider context could have been lost.

To guard against this, we have tried to think thematically, with each article prompting a debate around the relevant issue, with all complexities explored. Many ideas about how the regulation of GA could be improved have sprung from this. It is this resultant range of proposals and questions that we would really appreciate your response to.

Since the ANO covers such a wide range of aviation activity, this consultation covers an unusually large number of policy areas. It may in fact be one of the broadest consultations that we have ever undertaken. In short, I hope it contains something of interest for almost everyone involved in UK GA.

Andrew Haines
Chief Executive

Executive summary

The CAA's approach to General Aviation

In response to the Government's GA Red Tape Challenge (RTC) of 2013, we conducted a fundamental review of our approach to the regulation of GA, with a view to making it more proportionate and less burdensome.

This led to the creation of our GA Programme, a portfolio of projects designed to address issues and recommendations from the GA RTC, and improve the regulation of UK GA in general. It is managed by our GA unit, and involves drawing on resource and expertise throughout the whole organisation.

To guide us in doing this, we set out the following principles:

- Only regulate directly when necessary and do so proportionately;
- Deregulate where we can;
- Delegate where appropriate;
- Do not gold-plate, and quickly and efficiently remove gold-plating that already exists; and
- Help create a vibrant and dynamic GA sector in the UK.

In November 2014 we published the GA Policy Framework[1], the mechanism by which we will deliver on those principles while continuing to meet our statutory duties to protect the public.

The primary stakeholders that the Framework aims to protect are:

- Uninvolved third parties on the ground;
- Other users of airspace, including commercial air transport; and
- Third party participants on board GA aircraft where we have developed guidelines to inform them of the risks associated with the relevant activity.

Through abiding by our principles for the regulation of GA, and using the GA Policy Framework process, we aim to strike the correct balance between reforming the approach to GA and protecting those whom we are obliged to.

For the purposes of the Air Navigation Order (ANO) review, those principles have been further expanded on and are set out in this consultation.

[1] GA Policy Framework

The GA Air Navigation Order (ANO) review

The ANO is the UK's statutory instrument which forms the legal foundation for almost all areas of civil aviation that are still regulated at national level.

As part of our new approach to the regulation of GA, we are undertaking a joint project with the Department for Transport to review all aspects of the ANO that could impact on a GA activity.

The review was initiated to ensure that:

- The ANO is compatible with our new approach to GA; and
- Our approach to GA regulation is examined in a holistic manner.

It is a deregulatory endeavour that aims to improve regulation for the benefit of GA while remaining in accordance with our statutory duties. The review is not simply about changing the text of the ANO, but focusing on what the key policy outcomes should be in each of the relevant area it covers, and then determining what the ANO would need to say to enable them.

It has acted as a platform for discussion of a wide range of GA related issues, and considered a number of key policy questions. In order to focus the review, only policy areas that are defined by the ANO were addressed.

The relationship and interlinks between EU and national aviation regulation have been extensively considered as part of the review. However, since the UK no longer has the direct power to alter the regulation of aircraft and operations which fall under EU regulation, the focus has been those areas that fall outside of it. This still amounts to a substantial number of aircraft and activities, for example there are still approximately 9,100 non-EASA GA aircraft registered in the UK.

Next steps

This consultation document is the output of the first phase of the review and includes a package of broad concepts and options in a thematic format. It is addressed primarily to the GA community, to gather their views on the proposals.

Once the comments have been received from this consultation, the proposals will be refined and presented in a more detailed format for final consultation in the autumn of 2015. Implementation of the new ANO will take place in the autumn of 2016.

Key proposals

The proposals for this consultation are deliberately broad and exploratory, often presenting open questions on which we would appreciate your feedback. For the purposes of the review, they have been divided into four functional areas; flight operations, airworthiness, pilot licensing and aircraft registration.

Overall, they should amount to a substantive body of change which will be of benefit to UK GA. When the new ANO comes into force in autumn 2016 it should reflect a regulatory landscape that is more proportionate, simpler and easier to understand.

Flight operations

The flight operations area was undoubtedly the largest of the review. It covered operational rules and equipage for GA aircraft, the regulation of various aerial activities such as parachuting, flying displays and aerodromes outside the scope of EU regulation. The key proposals include:

- Alignment with EASA operational definitions such as commercial and non-commercial, specialised operation and commercial air transport. This will mean the removal of historic ANO terms such as public transport and aerial work and will bring greater clarity to the subject area;
- Simplification and alignment between the substantive operational rules and requirements for EASA and non-EASA aircraft; provided no additional burdens of compliance are imposed. As a complementary initiative, the concept of the ‘Skyway code’ to assist GA pilots with understanding regulations is also presented;
- Simplification of the rules around aerial activities such as the towing of other aircraft and the dropping of objects;
- Simplification of the rules around the activities of small balloons and kites;
- Removal of flight time limitations under the ANO for operations conducted under non-commercial rules;
- Review of the requirement to hold a Police Air Operator’s Certificate (AOC) if operating in the service of the police; for relevant GA organisations that wish to assist the Police, we may be willing to issue a permission to do so without an AOC, subject to conditions;
- Review of our involvement in parachuting operations; we wish to explore whether the regulatory approach could be refined in this area; and
- Review of the regulations for non-EASA aerodromes; it may be possible to allow more flexibility in the circumstances in which an aerodrome needs to be licensed.

Airworthiness

Overall the legal foundations for airworthiness as set down by the ANO were considered to be appropriate. Nonetheless a number of areas in which the requirements could be reformed or better utilised were identified:

- Consideration of remunerated flight training in Permit to Fly aircraft;
- Use of the 'Special Category' Certificate of Airworthiness (CofA); whilst this is generally no longer issued, it could be reactivated for aircraft that do not hold an ICAO compliant CofA but could be allowed to conduct some commercial operations. This might bring greater clarity to the different levels of airworthiness assurance, by having an intermediate step between a Permit and a full CofA;
- Review of the requirement for aircraft maintenance schedules and logbooks to be approved by us; in line with the approach that EASA are taking, we should apply the 'minimum inspection programme' concept to non-EASA aircraft as well. This includes a simple list of essential maintenance tasks.
- Review of the approach taken to pilot owner maintenance for non-EASA aircraft; the UK approach involves a specific list of tasks, whereas the EASA approach is to specify general characteristics that a task must have in order to be performed by a pilot. It may be appropriate to align approaches;
- Exploring the option for regulatory 'designees' in the airworthiness system; this could be similar to the US Federal Aviation Administration (FAA) system, in which individuals are empowered to perform certain regulatory tasks, such as issuing CofAs or approving modification or repair designs; and
- Allowing Permit to Fly aircraft to fly under 'A conditions'; this would allow an aircraft engineer to certify that an aircraft with an expired permit was fit to fly, in the same way they can for a non-EASA CofA aircraft. This would bring greater flexibility in circumstances in which an aircraft needs to be flown to a suitable place of maintenance or repair without a valid permit.

Pilot licensing

The basic structure of pilot licensing is covered by ICAO requirements. Many of the ANO's articles in this area are simply basic provisions, for example to make it illegal to fly most aircraft without a licence, or to allow us to approve courses for the purposes of training pilots. The privileges of UK licences are set in the ANO, although requirements such as minimum training hours are not. There are a number of areas that we would appreciate feedback on:

- Considering ways to improve the National Private Pilot's Licence (NPPL); we intend to retain it, but the review also considered how it could be simplified and improved;
- Licensing of smaller aircraft; we considered the appropriate training and licensing requirements for smaller light aircraft, generally those in the SSDR (single seat deregulated) category and below, including paramotors;
- Review of foreign licence privileges in UK registered aircraft; the current provisions only allow validity for private flight under VFR and IFR outside of controlled airspace. This could be further expanded, although in future we will only have discretion over this for non-EASA aircraft; and
- Aligning UK licence privileges with those of their equivalent EASA ones; this would be a logical simplification measure and bring greater clarity to the different licence privileges in general.

Aircraft registration

Aircraft that we have some regulatory involvement with have to be registered.

The review did find one area in which our approach could be changed:

- More flexibility in terms of who can own a UK registered aircraft: for example UK registered aircraft owned by non-EEA (European Economic Area) citizens are currently prohibited from conducting anything other than private flying. This could be revised to allow commercial operations.

How to respond

Responses to this consultation should be sent to gaconsultations@caa.co.uk by 26th May 2015. There is also a Survey Monkey response tool at: www.surveymonkey.com/s/CAAGA

Since there are many subject areas covered, we expect some respondents will only wish to reply with regard to specific ones. This is more than welcome, especially considering the large number of questions included.

Please note that only issues that relate to policy as defined by the ANO will be directly addressed as part of this process. We are more than happy to hear from you regarding issues that are not related to the ANO, but they may have to be addressed in future work under our GA Programme.

Respondents may wish to refer to a copy of the ANO 2009 when reviewing the consultation, although this is by no means essential since the issues are generally discussed in broad terms, without direct reference to the legal text. With each subject area presented there is a reference included to the relevant ANO provisions.

Our publication of the ANO 2009 can be found in Section 1 of CAP 393 at www.caa.co.uk/cap393

We often refer to European regulations in the consultation, particularly the air operations regulations relevant to GA, which includes Part-NCO (non-commercial operations with non-complex aircraft). These are contained in Commission Regulations (EU) 800/2013 and 379/2014.

The European regulations can be found on the EASA website at https://easa.europa.eu/regulations

Reviewing the ANO

Introduction to the ANO

With the exception of the Rules of the Air, which is a separate piece of legislation, the ANO is the primary foundation for the regulation of aircraft and aviation activity outside the scope of EU regulation.

Its functions include:

- Creating the legal basis for the our regulatory provisions, powers and obligations;
- For areas in which EU aviation safety regulations apply, providing that they are enforceable in UK law and designating us as the UK's competent authority; and
- For areas outside of EU regulation, setting out legal requirements for the registration, operation and airworthiness of aircraft, the regulation of aerodromes, airspace and air traffic services, and the licensing of aviation personnel.

For EASA aircraft and areas for which EU regulations apply, such as airworthiness and pilot licensing, the ANO simply contains provisions and penalties to enable the UK's enforcement of them. The UK does not have the power to directly alter EU regulations, and instead must engage with the EASA rule making process to effect changes.

Why review the ANO

The ANO invests us with a large amount of discretionary power. For the purposes of determining the basis on which licences, certificates and approvals are issued, much of the detail of how to comply with the legal requirements are in effect built on the provisions of the ANO rather than contained within them. For example the ANO may simply require the applicant of a pilot's licence to be suitably competent, or that an aircraft must be fit to fly before holding a certificate of airworthiness.

Details of compliance for the legal requirement are usually contained within policy documentation that we publish. For example, the ANO does not stipulate that an applicant for a UK PPL must have a minimum of 45 hours flight training. It merely states that the applicant must undergo such courses of training and assessments as we may require for the purposes of demonstrating competence towards the issue of the licence. This means that a broad range of regulatory flexibility and change can be achieved without actually altering the text of the ANO.

However, there are limits to this flexibility. The ANO does contain requirements such as the need for particular aircraft to hold a certificate of airworthiness, or for us to satisfy

ourselves that someone is competent before issuing a relevant approval. Therefore if we determine that such a requirement is no longer necessary, or represents an undue burden, the ANO must be exempted from and eventually amended to reflect that change.

Overall, we determine what the regulatory framework should look like to achieve the intended safety outcomes. The ANO is then written and updated to reflect that framework. Basic provisions, such as the requirement to hold a licence to fly certain aircraft, rarely change. However, as the aviation industry evolves and new regulatory challenges emerge, many provisions of the ANO have to be updated to reflect a different approach to issues.

As our approach to the regulation of GA has changed, we should now review the ANO to establish what provisions are appropriate to reflect the principles of that new approach.

Scope of the review

In defining the scope of the review, we deliberately avoided a definition of GA, and instead took the approach of simply defining what should reasonably be in scope, on the basis of relevance to a GA type activity. This resulted in the inclusion of about 65 percent of ANO's articles, with all of the relevant schedules also being reviewed.

Excluded were:

- Articles relating only to areas that are covered by EU regulations, for example the operation of EASA aircraft;
- Articles that relate only to commercial air transport operations;
- Most articles that relate to the approval or provision of air traffic services; and
- The Rules of the Air, since this is a separate piece of legislation, and was recently reviewed in light of the adoption of the Standardised European Rules of the Air (SERA).

The review did not encompass those areas that are currently covered by EU regulation, although it addressed those outside of it and also extensively considered the relationship and interlinks between national and EU regulation.

Objectives of the review

The review was conducted in accordance with the principles that we set out for the regulation of GA and discharged through the GA Policy Framework. Particular emphasis was given to only regulate directly when necessary, and then only do so proportionately.

The objectives of the review were:

- To ensure the ANO is compatible with our new approach to the regulation of the sector and establish the legal basis for the GA programme;
- To examine each relevant article and review how our regulatory approach could be improved for the benefit of GA;
- Rationalise as many current exemptions as possible into the ANO;
- To consider how the ANO could be made shorter, simpler and easier to understand; and
- To produce a package of reform measures for consultation, which could be reflected in the future ANO.

Process for the review

For the purposes of dividing up the relevant articles for review, a working group of our relevant subject matter experts were formed for each of the functional areas of regulation. These working groups met on a regular basis between October and December 2014, and where relevant met to discuss issues that fall across the different areas. The Department for Transport was also represented on the review.

These working groups consisted of:

- Airworthiness;
- Flight Crew Licensing;
- Operations; and
- Aircraft registration.

When considering particular articles, our current approach was generally taken as the starting point. It was then determined whether a refinement or changed approach was warranted, and whether or not that required a change to the ANO. The focus of the review was mainly those policy changes that require an ANO amendment; however improvements in approach that could be made within the current provisions were often also noted.

The working groups were not asked to spend much time on whether the precise wording or structure was correct, since this would be addressed later in the drafting of the revised ANO. Rather the focus was on answering the questions listed above to assess whether the ANO requirements are appropriate for the regulation of GA.

In addition, an external challenge panel of independent GA experts was appointed by us, to review the output of the working groups and provide challenge as appropriate. The proposals were then refined to take account of the panel's input.

Outputs of the review

As a result of reviewing the articles, the working groups either developed proposals for alternative approaches or explained why they recommended the retention of the current intention and effect of the article.

Generally the possible outputs included:

- Delete the provision;
- Develop a proposal for revision; or
- Retain the current substantive intention and effect.

These outputs are detailed in this consultation document. Once the consultation period has closed, then we will review the responses and revise the proposals as appropriate.

Once the comments have been received from this consultation, the proposals will be refined and presented in a more detailed format for final consultation in the autumn of 2015. Implementation of the new ANO will take place in the autumn of 2016.

Principles for the review

The review was conducted in accordance with our principles for the regulation of GA and the GA Policy Framework. This chapter expands on the detail of how they were deployed during the review. When examining the change proposals later in the consultation, respondents are asked to consider whether they reflect the principles we have set out here.

In order to successfully meet the objectives, and ensure the principles set out for the regulation of GA were applied correctly, a number of key questions were asked of each article.

These were:

- What risks does this article attempt to mitigate?
- Who is it protecting from that risk?
- What is the origin of the article?
- What evidence is there of its effectiveness? and
- Can it be meaningfully enforced?

By questioning the fundamental basis for each article we intended this would identify those that represented an undue burden on GA or were of little or no safety benefit.

When answering the key questions above, a wide range of issues were considered, including, but by no means limited to:

- How does this compare to the equivalent EU regulations or ICAO standards?
- What is the history of this regulatory approach; for example, was it developed from an Air Accident Investigation Branch (AAIB) recommendation?
- Who are the relevant stakeholders exposed to risk in the area that the article relates to, and what are their expectations of safety?
- Could some stakeholders be allowed to bear more risk, assuming they understand the implications?
- Is the application of regulatory provision, such as a rule, approval or certificate, consistent with the risks associated with each relevant issue? and
- Is this a regulatory function that we have to undertake or could it be delegated?

The Correct levels of regulatory intervention

Essentially all of the questions posed by the working groups can be distilled down into two key ones:

- Is the level of safety targeted appropriate? and
- Is the provision the best way to achieve that level; could it be achieved in a less burdensome manner?

Clarity of intention

The principles of the GA Policy Framework require that we focus on the safety of uninvolved third parties, and ensure that any regulatory changes do not expose them to unacceptable risk. This means that in cases where third parties are not involved, informed participants may be permitted to take greater risks, even if that has the potential to result in different safety outcomes. For example our policy on the airworthiness deregulation of single seat microlights was primarily driven by the evidence that the risk to third parties was extremely low. Therefore owners of such aircraft should be permitted to set their own risk levels when maintaining their aircraft.

It is in accordance with the principles of the GA Policy Framework that we must establish what safety outcomes we believe to be appropriate to target, taking into account the ability of the different parties involved to understand and control their risk exposure.

This will generally mean that non-commercial operations will not be subject to the high level of safety targeted for commercial air transport.

Question 1:

- Do the current regulations that apply to GA aim for the correct levels of safety? Please answer yes or no. If necessary, please give examples why.

Achieving those outcomes

Having established the appropriate safety outcomes to target, we must then decide what, if any, intervention is appropriate and necessary to achieve them. Specifically, what tools would be most effective and least burdensome?

Regulation and safety outcomes

Throughout the review it was often very difficult to untangle the precise relationship between the levels of safety of an activity and the rule set that encompassed it.

Some questions that were repeatedly raised included:

- Do we ‘need’ a rule for something, or would the safety outcome be the same without one?

- What activities should require our approval before being permitted?
- Of what do we need to assure ourselves before issuing such an approval? and
- What difference does requiring an approval make to the safety outcomes?

Often the working groups concluded that while the broad intention of an article in terms of the safety level was correct, there might be ways to achieve the same outcome with less burdensome requirements. However, the precise role that regulation and oversight play in the overall safety outcomes is not always clear.

For example, if upon removing a rule or approval the safety outcomes do not change, this would indicate that either the risk the provision was attempting to mitigate did not really exist, or was ‘self-limiting’ in the absence of regulation. However until a rule or approval is removed, it is sometimes difficult to be certain of the likely effect.

As a result of attempting to address this question, we have reached varying degrees of confidence as to whether changing or removing a rule would alter the safety outcomes. Where relevant, this dimension will be explored in the context of individual issues.

Historic safety data has been of some assistance during the review, as were comparisons with other states. However, this did not always solve the elusive problem of separating out the root causes, regulatory or otherwise, of trends in safety levels.

Total system safety

It is important that our regulatory approach is consistent throughout the ANO and the regulatory policy that builds on it. One of the advantages of reviewing the ANO in a systematic manner was viewing the different levels of regulatory intervention across the entirety of nationally regulated GA operations, and ensuring that consistency.

When examining an issue, the relevant hazards should be considered in the context of the overall risk picture, and only then should it be determined whether a regulatory intervention is justified. For example, a rule or requirement might appear to constitute a sensible precaution against a particular hazard, especially if the marginal cost in isolation appears to be low. However if in reality attempting to mitigate it will do little or nothing for the overall risk picture, it is probably not worth pursuing.

It is often difficult to measure the benefit of regulatory interventions, but what can be established is that when the safety record of a particular activity is already substantially better than the overall GA accident rate, it should not be a candidate for further regulation. Indeed it may be suitable for deregulation.

This is an important principle that we will consider for future regulatory practice, since it guards against the tendency to regulate in reaction to specific incidents, without their context in the wider risk picture being considered.

Regulatory tools available

While regulations often interlink across different areas, essentially we deploy a range of regulatory tools, normally scaled to the complexity of the activity and the associated risks.

These generally consist of:

- No rule or requirement – for example, under the UK Rules of the Air, there is no specific rule prohibiting an aircraft using an unprepared field for takeoff or landing;
- Non-mandatory or supplementary guidance – for example we publish material that constitutes good practice, which can assist GA stakeholders in conducting safe operations or act as a starting point for risk consideration. Often this alone can improve safety outcomes;
- Rule, requirement or standard – we set rules for something, for example to not fly within 500ft of any person, vehicle, vessel or structure. However compliance is simply expected and enforcement action would take place if evidence came to light it had been broken. We can also set a standard or specification for something, without requiring an approval or demonstration of compliance;
- Declaration or notification – in order for an activity to take place, we require notification. However an active response from us is not required and the activity can proceed unless we intervene to stop it – for example some activities under the EASA Air Operations regulation simply have to be declared to the competent authority without a specific permission being required;
- Permission – in order for an activity to take place, we issue a permission, which would normally entail us checking the safety implications of the proposal or the competence of the people involved – for example parachuting operations; and
- Approval, licence or certification – this would normally involve us assessing a product, person or organisation, and certifying that a particular standard has been met. The approval of people or organisations normally confers particular privileges – for example rather than simply writing rules for commercial air transport flights and expecting people to follow them, a specific approval, such as an Air Operator's Certificate, is issued to confer the privilege to do so.

It is important that we apply these regulatory tools correctly and consistently. We should not apply more onerous ones where a lesser one would suitably mitigate the associated risks, or provide an adequate value of certainty or quality. In general, the minimum regulatory provisions should be used, and should not be duplicated in different areas of regulation unless it is absolutely necessary to do so. Particularly for GA, it is also important that tools are not deployed when their marginal safety benefit is not in proportion to the increased cost of compliance.

The design of regulatory tools is also important to ensure they are effective for both regulator and GA community. For example we are open to the idea of greater use of privileges and regulatory functions for individuals, particularly at the lighter end of GA.

In the case of organisational or personnel approval, it is important that the privileges conferred are appropriate to the level of competence demonstrated, and that having been granted an approval, the appropriate freedoms are allowed. We would appreciate feedback on where organisations could be given more discretion and flexibility to manage their own risks, perhaps with less specific requirements for compliance.

As an overarching aim of our approach to GA, we wish to generally allow activity to take place with minimal involvement from us. As a result, we would like to build a greater culture of responsible decision making in aviation stakeholders. This may mean more safety judgements are made on the basis of individual risk assessments, rather than simply based on whether or not an action is permitted by the regulations.

As our approach matures, it may be possible in some cases for the GA community to take on more risk management tasks. This could mean effectively self-regulating, while we retain the power to intervene should it become necessary on the grounds of safety.

We aim to follow these principles consistently to ensure the coherence of the safety management that is built on the ANO.

Question 2:

- Are we correctly deploying our regulatory tools? Please answer yes or no. If necessary, please give examples why.

Question 3:

- Do you have any ideas for how regulatory functions could be discharged in a more effective manner for the GA community? Please give examples.

Question 4:

- Are there any areas of GA activity in which industry could take further responsibility for risk management? Please answer yes or no. If yes, please give examples.

Delegation

We would like to increase our delegations in the regulation of GA. Currently the most common model for delegation allows us to approve people to supply reports. In practice this means that certificates and licenses, such as Permits to Fly or NPPLs, may be issued by us on the basis of a recommendation from other organisations. We would like to investigate expanding this, including approving organisations to issue documents themselves, or being able to delegate regulatory tasks to approved individuals or organisations. Specific candidates for this policy are highlighted later in the *Key change proposals* chapter; although we would be interested in hearing about any suggestions you may have in this area in general.

Question 5:

- Could more regulatory functions be delegated to industry? Please answer yes or no. If yes, please give examples.

New regulatory enablers

It is important that we consider what activities should be permitted on a risk-based, outcome-focused, basis and ensure the regulations enable those activities to take place. For example, historically aircraft that did not hold a Certificate of Airworthiness, and were not eligible to be flown under an AOC, could not be used for flights in which valuable consideration was given for the carriage of a passenger. But we identified some circumstances in which if the participants were suitably informed of the risks, it should be allowed.

Sometimes a new space in the regulatory framework needs to be created to allow a particular activity or concept to develop. An example of this would be the proposed 'Experimental' conditions, which is being consulted on separately, to allow a considerably easier process of prototype development for smaller GA aircraft. Our development of future regulatory platforms for commercial space planes also demonstrates that emerging concepts often require this consideration, to ensure they are suitably enabled within the regulatory framework.

As GA changes and evolves, the underlying regulations need to be further refined to reflect changes in technology and methods of operating. We must ensure the ANO provisions can reflect that evolution.

Question 6:

- Are there any new enabling provisions for particular activities that should be adopted, to be reflected in a future ANO? Please answer yes or no. If yes, please give examples.

By setting out our principles of the review, which are built on those adopted for the regulation of GA and the GA Policy Framework, we hope the conceptual basis of the review has been clearly articulated. When reviewing the proposals in the consultation, we ask that you consider whether or not we have been true to them.

Question 7:

- Do you believe that we have adopted the correct principles for our levels of regulatory intervention in GA? Please answer yes or no. If necessary, please give examples why.

Construction of the regulations

Simplicity and accuracy

It is often difficult to produce very simple regulations that achieve the correct granularity and cater for all possible scenarios. For example the ANO's current definitions of aerial work and public transport cover a very wide range of operational scenarios. The risk associated with broad definitions is that higher standards, relevant to the activities towards one extreme of a definition, are imposed on other activities that involve participants requiring less regulatory protection.

In order to avoid this, there are many instances in which we have specifically excluded certain types of operation from the requirements of the definition they fall within. Parachuting is an example of this; it technically meets the UK definition of public transport, however because we determined it is not necessary for parachuting operations to comply with public transport requirements, an exception in the form of an additional article in the ANO was made to reflect this. This approach has the effect of regulation being more permissive, but also more complex.

We also recognise that often aviation regulations attempt a much greater degree of granularity than is necessary, which results in complexity that is irrelevant to achieving better safety outcomes. For example, applying different requirements to operational circumstances that are only slightly different might appear to be a sensible way to raise safety standards in a targeted manner. However if taken too far, confusion can be caused and the rules lose relevance and efficacy as a result.

In order to limit the problem, it is important that activities with common characteristics are grouped together under the same regulatory frameworks as much as possible, so that common requirements may be applied as far as possible to all.

Question 8:

- Are there any particular areas of regulation, particularly in the ANO, which could be simplified, while continuing to have the same effect? Please answer yes or no. If necessary, please give examples.

Interlink and compatibility with European regulation

GA encompasses a wide variety of aircraft, many of which are non-EASA and operate outside of the EU framework of regulation. However much of GA is within the scope of EU regulation, and therefore there is the potential for significant confusion when similar activities exist within different regulatory frameworks.

We believe that there is a significant benefit in terms of simplicity, in aligning the regulatory frameworks of EASA and non-EASA aircraft and activities. The key proposal in this area is that of the alignment of ANO operational definitions with those that EASA uses.

To achieve this, we are considering having two separate ANOs. One would apply to aircraft and activities that fall within the scope of EU regulation, and would contain the minimum provisions necessary to make them enforceable in UK law (and therefore in practice would not need to be referred to). The second would contain the same substantive requirements, but for everything outside of EU scope. As far as possible the structure used by EU regulations would be reflected into the ANO for non-EASA aircraft.

Less prescription

We intend to place less detail in the new ANO, and leave much of how to meet its requirements in guidance material. This would enable us to describe the regulatory intention in a more accessible manner, rather than be bound by the requirements of legal drafting. For example, it would be easier to explain the interactions of the different regulatory requirements, such as the ANO and the Rules of the Air, in a single publication.

One of the key proposals of this approach is that of a ‘Skyway Code’, which could contain practical guidance on safe GA flying, including highlighting key rules and regulations. One of the advantages of using this approach is that relevant regulations from different pieces of legislation can be extracted and placed together where they are most relevant. Further detail on this is contained within the flight operations section of the consultation.

Question 9:

- Are we taking the correct approach to the construction of the future ANO and the associated regulatory material? Please answer yes or no. If no, please explain what approach should be taken.

Key change proposals

Flight operations

This was the largest area of the review. Although a large proportion of GA aircraft now fall under EU regulation, there is still a large non-EASA fleet that will likely be regulated nationally for the foreseeable future. Consideration for the relationship between the two regulatory frameworks was one of the key themes for consideration. There are also a number of areas of activity not covered by EU regulation, and we have explored the options around these where appropriate.

Operational definitions and requirements

Articles 259-270

As it currently stands, the operations rules in the ANO are built around three definitions of flights:

- Private;
- Aerial work, which generally includes flights for which valuable consideration is given for them to take place, but do not constitute public transport – for example flight training or aerial survey and photography; or
- Public transport, which includes flights for which valuable consideration is given for the carriage of passengers or cargo.

However, with further implementation of the EASA Air Operations Regulation in August 2016, all flights involving EASA aircraft will fall under the applicable operations definitions and their associated requirements. Non-EASA aircraft will still be bound by the ANO.

EASA has divided these into:

- **Part-NCO**; for non-complex aircraft flying on a non-commercial basis. This also includes rules for aircraft flying non-commercial specialised operations, such as glider towing (Part-NCO SPEC). This includes most light GA activity, including flying instruction;
- **Part-NCC**; for complex aircraft flying on a non-commercial basis. For example business jets not operated by an AOC holder would normally fall within this.
- **Part-SPO**; for aircraft conducting commercial specialised operations, for example crop spraying or parachute dropping. This also includes complex aircraft doing non-commercial specialised operations; and
- **Part-CAT**; for aircraft transporting goods or passengers for hire and reward, operating in accordance with an AOC.

We think it would be too confusing to use the EASA and UK definitions in parallel. We are therefore proposing to adopt the EASA definitions throughout the ANO, and apply the same definitional framework to non-EASA aircraft as well. This is consistent with the principle set out that the frameworks for the regulation of EASA and non-EASA activities should be synchronised for simplicity.

Question 10:

- Would the alignment of operational definitions for EASA and non-EASA aircraft assist understanding of the relevant operations requirements? Please answer yes or no. If necessary, please explain why.

Question 11:

- Would this alignment save time in understanding the regulatory requirements and (if applicable) explaining them to your customers? Please answer yes or no. If yes, please give details of how much you think it would save.

Is my aircraft 'complex'?

Article 3 of the EASA 'Basic Regulation' (Regulation (EC) No 216/2008) defines the term 'complex' to differentiate between smaller, simpler aircraft, and those which are larger and more complex to maintain and operate. Aircraft falling below the definition of complex are considered 'other than complex' or 'non-complex'. Normally more comprehensive operational and airworthiness regulations are applied to complex aircraft.

Most aircraft certified for single pilot operation and with a maximum takeoff weight of 5700kgs or below are non-complex. A Pilatus PC-12 is an example of a large 'non-complex' type. However, aircraft that have more than one turbine engine, such as the Beech King Air or turbojets such as the Citation Mustang, automatically fall into the definition of complex, even though they may often be smaller and lighter than some non-complex models. Other criteria, such as being certified as multi-pilot or having more than 19 seats, also move an aircraft into the complex definition.

In future, we will likely use these definitions in the ANO for the regulation of non-EASA aircraft as well, which would bring significant clarity to the regulatory requirements. An example of a large non-complex, non-EASA type, would be the Antonov AN-2.

Since there would be significant opportunity for confusion if the requirements were different when stepping from, for example, a Piper PA28, which is an EASA aircraft, to a Piper J3, which is not, we think it would be beneficial to adopt a similar structure and content in the ANO to that of the EASA operations rules.

As an essential principle, we would ensure that no operational restrictions were imposed by such an alignment. For non-complex aircraft, the actual operational requirements that

pilots will have to abide by as a consequence are not anticipated to be significantly different from the current ones under the ANO. Where there are possible changes to the substantive requirements, these will be illustrated and explored later in the consultation.

We believe that the EASA regulations in this area are fit for purpose, and therefore propose to adopt the associated substantive requirements for non-EASA aircraft as well. This is also consistent with the principle of alignment with EU requirements where beneficial to do so.

Question 12:

- Is it logical and beneficial to adopt broadly similar operations rules for both EASA and non-EASA aircraft? Please answer yes or no. If necessary, please give examples why.

Question 13:

- Would the alignment proposal have any financial effects on you? If so can you quantify them in terms of time or money?

Less detail, more guidance

Many of the current operations articles in the ANO are long and prescriptive. For the EASA operations rules, there is a split between the actual regulation and the ‘acceptable means of compliance’ (AMC) which is the published detail of how the regulation can be complied with. The ANO has never had a concept of AMC. We have tended to adopt one of two approaches to drafting; either have a lot of detail in the ANO, or make general provisions in the ANO such as ‘subject to conditions as the CAA may require’ and then publish the detailed requirements via CAPs. There has not always been consistent use of the two approaches, often meaning articles of inconsistent detail.

Part 10 (Duties of the commander) of the ANO is a good example of this. It describes the actions that a pilot in command is legally obliged to undertake prior to going flying. Of particular note is Article 88, which is compared below to its EASA equivalent. There is an accompanying EASA AMC, of similar length and content to Article 88, but the legal text itself is much shorter than in the ANO.

Case study: Requirement for passenger safety briefing

NCO.OP.130 Passenger briefing

The pilot-in-command shall ensure that before or, where appropriate, during the flight, passengers are given a briefing on emergency equipment and procedures.

Article 88 Passenger briefing by the commander

(1) Subject to paragraph (3), the commander of an aircraft registered in the United Kingdom must take all reasonable steps to ensure that before take-off on any flight, all passengers are made familiar with the position and method of use of:

(a) emergency exits;

(b) safety belts (with diagonal shoulder strap where required to be carried);

(c) safety harnesses (if required to be carried);

(d) oxygen equipment, lifejackets and the floor path lighting system (where required to be carried); and

(e) all other devices required by or under this Order and intended for use by passengers individually in the case of an emergency occurring to the aircraft.

(2) Subject to paragraph (3), the commander of an aircraft registered in the United Kingdom must also take all reasonable steps to ensure that in an emergency during a flight, all passengers are instructed in the emergency action which they should take.

(3) This article does not apply to the commander of:

(a) an aircraft registered in the United Kingdom in relation to a flight under and in accordance with the terms of a police air operator's certificate; or

(b) an aircraft in relation to a flight for the purpose of commercial air transport.

In general during the review, we determined that a better approach is to have less detail in the law, and more in guidance material.

Skyway code

In reviewing the ANO, we believe an opportunity exists to significantly reduce the length of many of the operations articles. An additional publication could then include more detailed guidance material to assist with compliance with the less detailed law. The advantage of this would be that the guidance material would not need to be written in such a precise legal manner, and would therefore be easier to understand. It would also be easier to keep up to date and relevant. This is consistent with the principle that, where beneficial for understanding, there should be less detail in the legal text, and more in associated guidance material.

In the past we have been criticised for producing guidance material that was either confusing or appeared to apply requirements that were in excess of the legal ones. Done correctly though, we believe a ‘Skyway Code’ publication could be of benefit to GA.

This could have some similarities to the Highway Code. It would be designed to be the primary reference for private pilots conducting flights in the UK. It would cover all relevant regulation, in clear terminology, as well as all the practical considerations associated with non-commercial flying in light aircraft. It would bring together relevant legal requirements from EU regulation, the Rules of the Air and the ANO itself, and assist pilots with the practical interpretation of these requirements. If pursued, this would ideally be published in time for the new ANO in 2016.

Question 14:

- How much time do you spend checking operational regulatory requirements?

Question 15:

- Would the ‘Skyway Code’ concept be a useful mechanism to help GA pilots understand the practical application of regulatory requirements? Please answer yes or no. If no, do you have any views on alternatives?

Question 16:

- If regulatory requirements were available in a single publication, such as a Skyway Code, what proportion of this time do you think you could save?

Towing and dropping

Articles 126, 128 and 129

The Standardised European Rules of the Air (SERA) provide that the towing of objects, including other aircraft, and the dropping of objects, shall be done in accordance with national or European legislation; currently the ANO covers towing and dropping in the UK.

For the purposes of aircraft towing other aircraft and objects, we do not feel the need to retain the current level of prescription in the ANO. For non-commercial towing, the generic requirements of Part-NCO SPEC, which require risk assessments and checklists for the operation to take place, are sufficient to cover the safety of the operation without undue danger to those on the ground. Commercial towing would be conducted under Part-SPO. This framework of requirements could also be applied to operations with non-EASA aircraft.

For the dropping of articles, we could retain the current requirement to gain permission. Alternatively we could simply rely on the requirement to not endanger people or property on the ground while dropping such articles.

This would be consistent with the principle of not using more regulatory tools than is necessary to achieve an acceptable level of safety, and also not having as much detail in the legal text.

Question 17:

- Is the less prescriptive approach to the issue of towing and dropping a sensible one? Please answer yes or no. If necessary, please give details why or any alternative approaches.

Parachuting

Article 130

The SERA also provide that parachute descents shall be made in accordance with national or European legislation. This gives EU member states the discretion to govern parachuting at national level. The current national legislation for parachuting involves us issuing a permission prior to parachuting taking place. We normally grant permission if conducted in accordance with British Parachuting Association (BPA) procedures.

In future, the aircraft involved in parachuting operations will have to be operated in accordance with the EASA Air Operations Regulation. For commercial operators this will mean Part-SPO, and for non commercial, Part-NCO SPEC. The levels of regulatory involvement with the aircraft operation that we are required to have are set by the Authority Requirements of the Air Operations Regulation.

However, the regulation of parachuting itself remains under national discretion, so there may be scope for us to have less direct involvement in issuing permissions for the activity, while retaining the power to halt dangerous operations should we feel the need to.

For example, the permission could become one purely for the purposes of airspace management and protection of those on the ground, without us having to be satisfied of the competence of those conducting the parachuting operations themselves.

Question 18:

- What future involvement should we have in the regulation of parachuting itself, as opposed to the operation of the aircraft involved? Please explain any alternatives that should be considered.

Flying displays

Article 162

Currently we require that prior to someone acting as the director of a flying display that is advertised and open to the general public, they must have our permission. This underpins our safety regulation of flying displays, since we normally grant the permission on the basis that a flying display director complies with our published guidance.

We believe the essential requirement is fit for purpose and appears to provide a good level of safety for spectators at flying displays. However we see merit in changing the legal basis to an exemption for low flying under the Rules of the Air, which would allow us to shorten the text of the ANO in this area. Any requirements for the competence of a flying display director could be integrated into the policy on granting exemptions. However the broad outcome, that we have oversight of the safety of public flying displays, would remain.

The second element of article 162 covers the display authorisations (DA) system, and the requirement to hold one before participating in a public flying display. We believe the DA system works well and functions with limited involvement from us. However there may be scope for it to become purely an industry function. For example, we could simply make it a requirement that a flying display director had to satisfy themselves of the competence of the pilots taking part, but leave it to industry to run a system that provides a known standard of display pilot competence.

This would be consistent with the principle that where possible, functions should be undertaken by industry, while we still retain the power to intervene if necessary.

Question 19:

- Are the current regulations proportionate for smaller flying displays? Please answer yes or no and give examples why.

Question 20:

- Would there be advantages in the legal basis for flying display director permissions simply becoming exemptions under the Rules of the Air? Please answer yes or no and explain why.

Question 21:

- Could a system for ensuring the competence of display pilots become purely an industry function? Please answer yes or no and explain why.

Balloons, airships, kites and the launching of gliders

Articles 163, 164 and 165

The current provisions covering small unmanned balloons, the launching of gliders, kites, parascending parachutes and the mooring of airships, appear to be quite complex and detailed. In some cases, it is unlikely that the people flying kites or launching small balloons would actually be aware of the specifics of the ANO. It is therefore irrelevant to specify, for example, that a kite may not be flown above 60 metres, or above 30 metres within a notified air traffic zone.

We believe that a more effective approach would be to have less specific restrictions, and generally rely on the fact that most of such activity is self limiting anyway. However, for large small balloon releases and the launching of larger free balloons, it would be necessary to retain some restrictions for airspace management.

In light of a less prescriptive approach, we feel it would also be appropriate to ensure that we retained the power to act against any wilful or negligent disruption of normal aviation activity. This may require a new offence in the ANO, which would be below that of endangerment in terms of severity. We would then have the power to act against any wilfully disruptive use of such smaller aircraft and objects, while giving greater freedom around their use when there is no threat to other airspace users.

This would need to be reinforced with appropriate and targeted guidance. It would be consistent with the principle of being less prescriptive in regulations, while retaining the powers to intervene easily should we feel compelled to.

Question 22:

- Could a less prescriptive approach be taken in this area of aerial activities such as kites, glider launching and small balloons? Please answer yes or no and explain why.

Question 23:

- Would this less prescriptive approach lead to any time or cost savings for you? Please answer yes or no and give examples.

Requirement for a Police AOC

Article 13

There are a few, often voluntary, organisations that wish to assist the emergency services, particularly the police, by using light aircraft for aerial search purposes and other missions. However, currently if they want a formal arrangement with police, whereby they are 'tasked' with particular missions, they need a Police AOC.

When airborne police operations first started in the UK, it was a conscious policy decision by the Home Office and Association of Chief Police Officers (ACPO) that they should be conducted in accordance with an AOC, with the safety of the public being of paramount concern. Nonetheless there may be circumstances in which it is appropriate for organisations to take part in airborne police operations, in a supporting role, without complying with the onerous requirements of an AOC.

We are proposing to amend Article 13 to allow a permission to be issued, allowing operation in the service of the police, without holding a Police AOC.

This permission would likely be issued on the basis of:

- Agreement on cooperation with the relevant emergency services;
- Risk assessment of the proposed operation, including any limitations on operations and tasking we deemed appropriate;
- Compliance with the criteria we develop and set out in policy; and
- Evidence of organisational governance to ensure that operations are conducted within the agreed limitations and to the standard that we have deemed suitable.

Essentially, provided we could be satisfied that the proposal was acceptably safe, and the organisation had the support of the relevant police force, we would be content to issue a permission to operate without a Police AOC. We would also need to consider how to recover any additional costs associated with the grant of such a permission.

This is consistent with the principle that where a certain activity could take place with an acceptable level of safety, a regulatory space should be created to permit it.

Question 24:

- Would having the ability to issue a permission to operate in the service of the police, without an Air Operators Certificate, be a reasonable approach to take to this issue? Please answer yes or no and give reasons why.

Question 25:

- Would allowing such a permission be economically beneficial to your activities? Please answer yes or no and if yes give estimates.

GA hours and flight time limitations

Article 147

As the ANO currently stands, all hours, except those flown privately in aircraft of 1600kgs maximum take-off weight or less, are counted towards a monthly flight time limitation (FTL) of 100 hours in 28 days and an annual one of 900 hours. In reality, few GA pilots actually reach those limits, but they are still bound by them. A more significant effect of the requirement is that hours flown recreationally, and aerial work such as flight instruction, count towards the same total a commercial pilot is bound by when flying for an airline.

We concluded that there was probably no safety justification for non-commercial hours to be counted towards the same limit as for commercial air transport. There are many fatiguing activities that a pilot may undertake while off duty, potentially including GA flying, and it is their responsibility to manage the impacts associated with them.

We also believe that to achieve an acceptable level of safety in GA type operations, it is probably not necessary to have detailed flight time limitations. This is in line with the general principle that those who can understand and control their own risks should be allowed more scope to do so. This is in contrast to the commercial air transport world, in which limitations are required to control the risks associated with commercial pressure, and are necessary to achieve an acceptable level of safety.

However, EU regulation also affects this. The implementation of EASA FTL will commence with the larger commercial air transport operators, with some smaller operators and helicopters remaining under national rules for a few more years. As the scope of EASA FTL expands, the current ANO requirements will have to be gradually withdrawn so that there is no overlap. For private operators with non-complex aircraft, we see no reason to retain the national requirements at the moment, although if an EASA rulemaking task commenced with a view to introducing some, we would have to consider how to engage with that development.

It is currently unclear exactly what off duty flying commercial pilots will have to declare to their airlines under the EASA FTL schemes. Although we can remove the requirement driven by the ANO, if it is required under an EASA FTL scheme, they must comply with it regardless. It may be that to achieve a proportionate outcome in this area in future, it is necessary to engage with EASA.

Question 26:

- Is it reasonable to not have detailed flight time limitations for non-commercial operations? Please answer yes or no and explain why.

Question 27:

- Should hours flown under non-commercial operations rules, including flight instruction, count towards commercial air transport flight time limitations? Please answer yes or no and explain why.

Question 28:

- Would revising the requirements change how many hours you flew? Please answer yes or no and explain why.

Aerodrome operating minima

Article 109

In the UK, the requirement not to proceed below 1000ft above the runway when conducting an instrument approach, unless the reported runway visual range (RVR) is at or above minima, is applied to both commercial and non-commercial operations. Part-NCO contains a similar provision for the approach ban, but also states that the calculated minima to be used for an approach should not be lower than any state minima.

In the UK, the RVR minima under EU-OPS have been adopted as state minima. This enforces the same RVR figures for continuing an approach onto non-commercial operators as for commercial ones. The EU-OPS RVR minima are generally predicated on larger aircraft flying constant descent final approaches (CDFA). Particularly when associated with higher minimum descent altitudes (MDA), it prescribes quite high RVR minima for many non-precision approaches, often in excess of what would be VMC in class G airspace.

For smaller, more manoeuvrable aircraft, this can sometimes represent an unnecessary loss of utility for non-precision approaches. For example, in a light aircraft, it is not always necessary to make the decision whether or not to land at the notional decision altitude, as if flying a CDFA. With a longer runway, it is often safe to continue level at the MDA until the missed approach point, and land safely, having continued beyond the notional decision point on the CDFA. If using this approach technique, it can sometimes be possible to become visual with the runway, and be in a safe position to land, at lower RVR levels than those prescribed by EU-OPS.

Since commercial air transport operators will be bound by Part-CAT (which has superseded EU-OPS) requirements anyway, it may be possible to promulgate lower state minima, so that non-commercial operators may take advantage of them when flying non-precision approaches.

Question 29:

- Would it be appropriate to have lower or less prescriptive state runway visual range minima for non-commercial, non-complex aircraft than are required for commercial air transport? Please answer yes or no and explain why.

Equipage and instrumentation

Part 4 – Articles 37, 38 and 39, Schedules 4 and 5

There is a significant difference in approach between Part-NCO and the ANO in the area of equipage, both in terms of instrumentation and radio navigation equipment. Part-NCO lists equipment to be carried, including such things as aircraft lighting, instrumentation, radio navigation equipage and miscellaneous items such as first aid kits. The application of these requirements is divided into:

- Aircraft flying under VFR;
- Aircraft flying under VFR at night;
- Aircraft flying under IFR; and
- Aircraft flying over water or areas in which rescue would likely be difficult in the event of a forced landing.

This is different from the current ANO approach, which involves detailed lists of specific equipment, depending on which classification of airspace is being flown in. As a result, there is a great deal of complexity in the relevant schedules of the ANO. Under Part-NCO there is no specific link between equipage and the airspace classification being flown in; it merely specifies that aircraft should be equipped in accordance with any applicable airspace requirements.

We therefore propose to adopt a policy that airspace requirements simply designate Performance Based Navigation (PBN) specifications. This means that the precise equipment used is up to the operator, provided it is approved to provide the specified level of navigational accuracy. The PBN specifications will be listed in the AIP.

We propose to also adopt this for non-EASA aircraft. This will mean reshaping schedules four and five, to ensure they more closely replicate the equivalent EASA provisions, and therefore clarify the area around what equipment is required by airspace and operational condition.

We would abide by the principle of not requiring any aircraft to be equipped with any additional equipment as a result, so requirements that will come in with Part-NCO for EASA aircraft, such as the need to carry emergency locator beacons, will not be applied to non-EASA aircraft. However where Part-NCO is less onerous, for example it only requires one altimeter for flight under IFR, this will be reflected for non-EASA aircraft.

Case study: Instrumentation for flight under IFR

Under Part NCO, all aircraft flying under IFR require a means of displaying:

- magnetic heading;
- time in hours, minutes and seconds;
- pressure altitude;
- indicated airspeed;
- vertical speed;
- turn and slip;
- attitude;
- stabilised heading (normally a directional heading indicator);
- outside air temperature; and
- Mach number, whenever speed limitations are expressed in terms of Mach number (unlikely to be applicable to most light aircraft).

And in addition to the above:

- a means of indicating when the supply of power to the gyroscopic instruments is not adequate; and
- a means of preventing malfunction of the airspeed indicating system due to condensation or icing. (for example a pitot heater)

Part-NCO is more onerous than what is currently required under the ANO for flight under IFR outside of controlled airspace. For example, it effectively requires an artificial horizon, a stabilised heading indication and a vertical speed indicator, whereas the ANO simply requires a turn and slip indicator.

We would be interested in feedback on whether it would be necessary to keep a distinction between equipage for IFR inside and outside of controlled airspace, to preserve any current privileges.

For the purposes of simplicity we would prefer to adopt the requirements for all IFR flight, as per Part-NCO, but would welcome feedback on this proposal.

This is consistent with the principle that the rules should be simple, and that differences between EASA and national legislation should be minimised

Question 30:

- Should the approach taken by Part-NCO to equipage and instrumentation, apply to non-EASA aircraft as well? Please answer yes or no and give examples why.

Question 31:

- Would aligning the requirements have any financial impact either positive or negative? Please answer yes or no and give estimates.

Aerodrome regulation

Articles 207-211

Historic approach

We have had an aerodrome certification process (or licensing as it has been known) before the adoption of the principle by ICAO. Subsequent to this, it became an ICAO requirement that airports that regularly serve international air transport are certified by the relevant national regulator, in accordance with ICAO Annex 14.

Any aerodrome in the UK can apply to be licensed, which means conforming to CAA standards which are similar to those of ICAO Annex 14, and being subject to periodic inspection. For a typical GA aerodrome, this costs approximately £2,000 per year.

Larger aerodromes, and ones that regularly serve commercial air transport, are now regulated under the EASA aerodrome certification process. For the most part, we have little flexibility as to how the associated EASA requirements are discharged; although we may have the discretion to continue to nationally regulate some aerodromes that fall into the EASA scope, but only serve a limited number of commercial air transport flights.

For those aerodromes outside the scope of EASA regulation, it is the decision of the aerodrome operator as to whether to apply for a licence, taking into account the advantages that are currently associated with that. For private flights there is no requirement to use a licensed aerodrome; indeed it has always been the case that the pilot of a private flight may take off from an unprepared field if they so desire, assuming the Rules of the Air are complied with.

The rules relevant to aerodrome licensing include:

- Most commercial air transport or public transport flights, must use a licensed or EASA certificated aerodrome when landing in the UK;
- Unless associated with a regulated air traffic service, such as an Aerodrome Flight Information Service (AFIS) or Air Traffic Control (ATC), an airfield must be licensed in order to be considered for an Air Traffic Zone (ATZ); and
- To be entered into the Aeronautical Information Publication (AIP), the aerodrome must be licensed/certificated.

Flights required to use a licensed aerodrome

A few years ago, after research into the safety record of flight training, we concluded that there was no safety reason to require training flights to use licensed airfields, and the ANO was amended to allow aeroplanes up to 2730kgs to train from unlicensed airfields. The requirement to use a licensed aerodrome if training on aeroplanes heavier than 2730kgs, or conducting a commercial air transport or public transport flight, remained in place.

We considered whether either of the above restrictions are necessary on the grounds of safety, taking into account that under the EASA Air Operations Regulations, operators are responsible for determining the suitability of aerodromes they fly into, and that in future, large aerodromes that regularly serve commercial air transport will be required to be certified under the EASA Aerodrome Regulation. It may be that the restrictions on flights could be removed without an impact on safety.

The current UK rules do not apply to UK registered aircraft as soon as they leave the UK, and there is no EASA equivalent to the rule. Elsewhere in Europe, the requirements around aerodrome certification vary. For example, in Germany every aerodrome available for landing requires an approval, even a glider site. Other states, such as Spain, appear to only certify international aerodromes (and in future those that fall under the scope of EASA), and also publish details of uncertified ones in the AIP.

In the case of flight training, there may be environmental considerations associated with allowing larger aircraft to train from unlicensed airfields, especially since training often involves repetitive circuits of the airfield. However managing such impacts would remain the responsibility of the aerodrome operator, as it is with licensed ones.

It may be possible to simply rely on the provisions of the Air Operations regulations, which require operators to have procedures for determining the suitability of aerodromes, rather than making it a requirement to use a licensed aerodrome. We would be interested in views as to whether this would be a viable way to proceed.

This would be consistent with the principle that only the minimum regulatory provisions should be used to achieve acceptable safety outcomes.

Question 32:

- What should be the approach to the licensing of non-EASA aerodromes, considering that the EASA Air Operations Regulation requires that operators establish the adequacy of aerodromes before using them, whether licensed or not?

Question 33:

- If aerodromes were no longer required to be licensed in order to accept commercial air transport flights, would this have any financial impact? Please answer yes or no and give examples why.

Air traffic zones and services

To provide a degree of regulatory oversight, currently an ATZ can only be associated with an air traffic unit, such as an AFIS or ATC, or a licensed/certificated aerodrome that has an air/ground (A/G) service. In effect this means that, unless prepared to upgrade to an AFIS, an aerodrome that currently has an A/G service, must remain licensed if it wishes to retain an ATZ.

However the relationship between the ATZ and aerodrome license could be inconsistent. For example, if an ATZ has a value in mitigating the risk of airborne conflict near an aerodrome, should the allocation of them not be determined by the local traffic situation, irrespective of the aerodrome's licensing status?

An alternative approach could be to allow any aerodrome to apply for an ATZ, regardless of air traffic service or licensing status, subject to strict allocation criteria that we could determine in the future. A requirement to maintain an A/G service could be associated with that.

We also noted that the structure and requirements around ATZs, A/G and FISO services has been in place for a long time. Although it is not directly related to the ANO, as a future piece of work, we may wish to fundamentally review the subject area, to ensure that the most appropriate regulatory tools are still being used to mitigate the risks.

This would be consistent with the principle that regulatory tools should be targeted where they actually improve safety outcomes.

Question 34:

- How should we decide on the establishment or retention of ATZs? Please give examples.

Question 35:

- Do ATZs still provide a safety benefit? Please answer yes or no and explain why.

Question 36:

- Is the current model of sub-ATC air traffic services the most effective? Please answer yes or no and give examples of how it could be improved on.

AIP entry

The UK currently only accepts licensed/certificated aerodromes to be entered into the AIP. While information on unlicensed aerodromes can be found in commercially available flight guides, it typically contains less detailed information. For example they may simply specify runway dimensions rather than data on obstructions or landing and take-off distances available.

We noted that some states do publish details of uncertified aerodromes in the AIP. However there may be aeronautical data quality issues associated with doing so, which we

did not have time to explore in the context of the ANO review. It is unclear whether exploring the possibility of entering unlicensed airfields into the AIP would be worthwhile. In any event, standards of aeronautical data quality would have to be met before publication.

Question 37:

- Should we consider entering unlicensed airfields into the AIP? Please answer yes or no and explain why.

Possible future approach

There are a number of direct and indirect benefits to maintaining an aerodrome licence:

- An AIP entry gives visiting operators more detail on which to determine suitability;
- Access to the expertise of our inspectors;
- Insurance costs are often lower;
- Gives confidence to customers that particular standards are maintained; and
- Sometimes increases legitimacy in the eyes of local planning authorities.

In light of the above, one approach may be to remove the existing restrictions on flight training and commercial air transport flights, revise the relationship between the ATZ and the license, and leave it as a business decision to aerodromes as to whether they wished to continue to be licensed.

It may be that even with the removal of some of the privileges associated with holding a licence; many aerodromes would continue to maintain one, for some of the reasons above.

Question 38:

- Why, as a GA airfield operator, do you continue to maintain a licence? Please give examples.

Question 39:

- Would any of the changes outlined above have an effect on whether you maintain a licence? Please answer yes or no and give examples why, including any financial considerations.

Foreign registered aircraft conducting aerial work

Article 225

We determined during the review that there is no reason why we could not issue a general permission, under the existing Article 225, to allow remunerated flight training to take place in privately or group owned non-EEA registered aircraft. This would alleviate the current requirement for individual permissions, which are normally granted as a matter of routine.

This is consistent with the principle that regulations should not place an undue administrative burden on stakeholders for no significant safety benefit.

We have already decided to proceed with this proposal. Although this does raise the question of whether there are broader circumstances in which non-EEA registered aircraft could be used for commercial purposes. For example, historically, we have not permitted UK flight schools to operate using non-EEA registered aircraft.

We also considered the aspects of article 225 which require permission for non-EEA registered aircraft to conduct aerial photography and survey. We were unsure as to whether or not they still serve a safety or security purpose, especially since in future, third country aircraft used by operators resident in the EU will have to comply with the EASA Air Operations and Aircrew Regulations anyway.

Question 40:

- We have chosen to issue a general permission for remunerated flight training in non-EEA registered aircraft that are privately or group owned. Should this alleviation be taken further? Please answer yes or no and give examples why.

Question 41:

- What future form do you think Article 225 should take? Please give examples

Question 42:

- Would the removal of any of the requirements related to Article 225 have an associated economic benefit? Please answer yes or no and give estimates.

Airworthiness

EU regulations for airworthiness have been in place for a number of years, and substantial alignments with the national ones have already been undertaken. A small number of aircraft with ICAO compliant certificates of airworthiness are outside the scope of EU regulation, but the vast majority of 'non-EASA' aircraft are on permits to fly.

Much of the policy around airworthiness is not set in the ANO, but in compliance documentation, such as the British Civil Airworthiness Requirements (BCAR). These were not examined in detail in this review. Nonetheless, a number of airworthiness issues related to policy enshrined in the ANO have been considered.

'Special category' certificate of airworthiness

Schedule 2, Part B

When reviewing the airworthiness provisions of the ANO, we noted that there is a provision in Schedule 2, Part B, which includes a 'Special Category' Certificate of Airworthiness (CofA). As currently drafted, we are permitted to allow an aircraft with such a certificate to be used for any purpose other than commercial air transport or public transport, and if permitted under the terms of the certificate, to carry passengers.

The advantage of using the Special Category would be clarity. The current Permit to Fly covers a wide range of aircraft and represents a wide variety of standards of airworthiness assurance. This includes simple LAA types, 'type approved' permit aircraft and aircraft subject to enhanced operational and airworthiness requirements, such as ex-military aircraft operated under CAP 632. With so many different categories, it may be worth introducing some greater differentiation.

We are therefore proposing to use it more extensively as an intermediate level of airworthiness certification, between that of the current Permit to Fly and an ICAO compliant CofA.

For example it could also be used for aircraft that have been modified beyond compliance with original type design, no longer have an active type certificate (TC) holder or never had a civil TC, such as many ex-military aircraft.

One specific use may be for aircraft that have been modified for aerial application work (or 'specialised operations' in EASA terminology), and might otherwise have to be on the military register in order to be used for such operations. Issuing an intermediate level of certification, that conferred the privilege to conduct some commercial operations, could open the opportunity for lower costs of compliance for such aircraft on the civil register. The specific airworthiness requirements would likely have to be aircraft specific – although the EASA requirement to contract a continuing airworthiness maintenance organisation (CAMO) for 'complex' aircraft would seem like a logical line to draw.

This would be in accordance with the principle that where it would be of benefit to create a regulatory space for an operation to take place, we should do so in the most proportionate

manner possible. It would also be consistent with the principle that where it is beneficial for the purposes of clarity, similar standards and associated privileges should be represented by recognisable terms.

Question 43:

- Would the use of the ‘Special category’ CofA be an effective way to bring greater scope and clarity to commercial operations of aircraft without an ICAO CofA? Please answer yes or no and give examples why, including aircraft it could be used for.

Question 44:

- Would the use of the ‘Special Category’ CofA enable you to reduce costs of doing business or allow expansion into new areas of work? Please answer yes or no. If possible, please give estimates.

Remunerated flight training in permit aircraft

Article 23

We considered the issue of aircraft on a Permit to Fly being used for flight training on a commercial basis. Our current position is that there is nothing particularly contentious about allowing such flight training where the trainee is an owner or co-owner of the aircraft. This is consistent with the principle that those who understand, and are able to control, their risks, should be allowed to do so. What requires more consideration is the question of such aircraft being used for ab initio flight training, when the trainee is a customer of a flight school.

As part of the work in 2008 associated with removing the restrictions on permit aircraft overflying built up areas, we analysed the safety performance of typical light single engine piston (SEP) permit types. It was concluded there is actually little appreciable difference in the risk to third parties on the ground between aircraft on a permit, and those on a CofA. Therefore, from that point of view, there would not appear to be overriding safety reasons prohibiting ab initio flight training in permit aircraft.

There is however the issue of airworthiness assurance. In general, the current permit system does not provide as much airworthiness assurance as for aircraft on a CofA. The legal requirements for what design and production standards are met, and what maintenance tasks must be accomplished, are less comprehensive. This may have implications for use in circumstances in which customers of flight schools are involved, or if the aircraft is being used for self-fly hire, since those involved may not have had any previous knowledge of how the aircraft is maintained or what design related support is available.

One solution could be to require more comprehensive airworthiness requirements for such aircraft, so that greater assurance could be provided to the prospective trainee.

The issue of suitability for training has also been considered, although since many CofA aircraft are not suitable for ab inito training either, this may not be a relevant consideration.

Question 45:

- Should more flight training in permit aircraft be permitted? Please answer yes or no and explain why. If yes, please state the circumstances, e.g. ab initio, recurrent etc.

Question 46:

- If remunerated flight training were allowed in permit aircraft, please provide estimates of the effect on your business.

Approval of maintenance schedules and logbooks

Article 36F and 34

We considered the requirement for us to approve maintenance schedules. Most aircraft below 2730kgs are maintained in accordance with the Light Aircraft Maintenance Program (LAMP – for EASA aircraft), or Schedule (LAMS – for non-EASA), or a schedule produced by the manufacturer or Continuing Airworthiness Maintenance Organisation (CAMO). Historically we have provided the LAMP/S and included a statement of our approval for it.

Consistent with the principle that higher regulatory tools, such as approvals, should not be required when a lesser one would suffice, we would like to move towards the EASA direction in this area. This involves the concept of a ‘minimum inspection programme’ (MIP) for aeroplanes up to 2000kgs. This would simply state minimum maintenance tasks considered essential for airworthiness, and leave more discretion for aircraft owners to choose which other maintenance tasks are performed.

For aircraft logbooks, the fact that they need to be approved for non-EASA aircraft below 2730kgs appeared to be an inconsistent use of the term. The intention of the article is merely to set common features that a logbook should have. However it is not necessary to use an approval process to achieve this and therefore the requirement should be removed.

Question 47:

- Should we remove the requirement for maintenance schedules and logbooks to be approved by us? Please answer yes or no and give reasons why.

Question 48:

- Would such a change in maintenance requirements bring financial savings? Please answer yes or no and, if yes, give estimates.

Approach to pilot owner maintenance

The Air Navigation (General) Regulations 2006 – Part 4

The list of pilot owner maintenance tasks for non-EASA aircraft are not in fact contained in the ANO 2009, but another statutory instrument. However, due to the relevance of the issue to GA it was considered appropriate to include them. This can be found in Section 3 of CAP 393.

For non-EASA aircraft there is a list of prescribed tasks that may be undertaken by a pilot without the certification of a licensed engineer. The list contains 17 items, which include useful tasks that are considered suitable for a pilot to perform. EASA however has adopted a slightly different approach in Part-M, which specifies the characteristics of a task that a pilot may undertake, for example the tasks must not be critical to the airworthiness of the aircraft, and must involve the use of simple tools only. This theoretically allows more flexibility, since the same task may vary considerably between aircraft in terms of complexity and the tools required.

EASA have augmented their approach by publishing some AMC material which lists more specific tasks that would comply with the common characteristics in the regulation, the list is not intended to be exhaustive, but representative of the scope of pilot owner maintenance.

The advantage of this approach is that it provides guidance on specific tasks, while allowing the flexibility associated with AMC material rather than the regulation. For example on some very simple aircraft, more tasks may be permissible. An additional advantage to the AMC approach is that it can be amended more easily.

We would be interested in feedback on which approach is more flexible and beneficial to pilot owners.

Question 49:

- Comparing the UK approach and that for EASA aircraft, which provides more utility for pilot owner maintenance and why?

Question 50:

- What would be a reasonable approach to defining the scope of pilot owner maintenance? Please give examples.

A conditions for Permit to Fly aircraft

Schedule 2, Part A

Currently, if an aircraft on a permit to fly needs to be flown to a place of maintenance or repair, without its permit being valid, a permit to test must be issued to allow the flight to take place. This is in contrast to a non-EASA aircraft on a CofA, which may be flown under 'A conditions' which involves a licensed engineer certifying the aircraft is fit to fly. This is considerably less burdensome than having a permit to test issued.

Allowing Permit aircraft to operate under A conditions would be a useful alleviation when an aircraft needs to be flown to a place of suitable maintenance or repair, without a valid permit. This option is already available to non-EASA aircraft with a certificate of airworthiness, so we believe it could also be adopted for permit aircraft.

Question 51:

- Would the ability to use 'A conditions' under circumstances in which an aircraft did not have a valid permit to fly be of benefit? Please answer yes or no and explain why.

Question 52:

- Would the use of 'A conditions' under circumstances in which an aircraft did not have a valid permit to fly have potential financial savings? Please answer yes or no. If yes, please give estimates.

CAA appointed 'Designees'

We noted the use of the 'designee' concept in the FAA system, and while the idea has been considered before, we think it worth exploring again. It essentially involves individuals being empowered to discharge certain regulatory functions.

The FAA has two forms of designee for airworthiness:

- DER – Designated Engineering Representative; they are authorised to approve technical data on behalf of the FAA; and
- DAR – Designated Airworthiness Representative; authorised to issue Certificates of Airworthiness and export CofAs.

Having such people as authorised representatives is potentially a useful feature which could increase flexibility and ease administrative burden on the GA community. For example, this could allow more airworthiness certification functions to be conducted locally, with less direct involvement from us.

Question 53:

- Would ‘designees’ be a useful feature of the airworthiness system in the UK? Please answer yes or no and give reasons why.

Question 54:

- Could there be financial savings or business opportunities associated with the use of designees? Please answer yes or no and, if yes, give estimates.

Delegation of Permit to fly issue

We would like to explore the possibility of delegating the issue of permit to fly documentation to organisations interested in taking on the task, as opposed to simply acting on a recommendation to issue them from an approved organisation. This would involve having objective criteria for approving an organisation to issue the documentation. If successful, this would alleviate an administrative burden on us, and open the opportunity for more autonomy for approved organisations in GA.

Question 55:

- Would any GA organisations be interested in performing issue of permit to fly documentation? Please answer yes or no. If possible, state who and give reasons why.

Pilot licensing

In general, the structure of the national licensing system was considered to be suitable and fit for purpose, in that it provides licences and ratings for pilots flying nationally regulated aircraft. With the exception of the NPPL, almost all future licensing will be within the scope of EU regulation, and therefore not within the UK’s direct gift to change.

However a number of areas were identified where aspects of the national system could be refined, including future options for the National Private Pilot’s Licence (NPPL). The potential benefits of aligning the privileges of UK licence holders with that of EASA ones was also considered.

Future of the NPPL

From April 2018 the NPPL will only be valid for use in non-EASA aircraft. We intend to retain it, as there is no EASA licence for microlight aeroplanes, and it is envisaged that there may be a number of NPPL holders who will only wish to fly non-EASA aircraft. Having reviewed the NPPL, we have identified a number of modifications and simplifications that could be considered.

Currently, the NPPL has three possible aircraft ratings; Microlight Aeroplane, Simple Single Engine Aeroplane (SSEA) and Self Launching Motor Glider (SLMG). These ratings are separate and mutually exclusive; for example the holder of an SSEA rating does not have the privilege to fly microlights.

We would like to explore the possibility of removing individual ratings for the different classes of aircraft on the licence, in favour of having a single aeroplane rating that gives the privilege to fly SSEA, SLMG and microlight aeroplanes.

Differences training would be required before flying the different classes within this new rating and to convert between aeroplanes with different control systems (i.e. three axis, flex-wing/weightshift and powered parachute). This could also involve aligning the requirements for differences training by control system, for example considering time in SSEAs and three axis microlight as the same.

After being trained on a particular aircraft class, the applicant would be issued with an NPPL (Aeroplanes) with the class of aircraft used for the skill test clearly annotated in their logbook. Then on completion of the appropriate differences training in another class of aircraft (within the NPPL aeroplane rating) the instructor would sign a statement to that effect in the pilot's logbook. The pilot would then be able to exercise the NPPL privileges on the additional class of aeroplane. This would have the advantage that it would no longer be necessary to have the licence amended and re-issued by us to extend the privileges.

This would primarily be an administrative alleviation, since it is not the intention to substantially alter the amount of training that pilots undertake. The challenges to implementing this proposal would be the creation of the associated rules for instructors and examiners and completing the transition of current licence holders from the existing rules and ratings to the amended rules and a single rating.

While the ANO does not contain specific training requirements for the NPPL, which are instead set in policy, consideration could also be given to moving away from defining them in terms of training hours, in favour of a performance based approach. This may provide greater simplicity and allow instructors greater discretion to judge individual training needs.

Another possibility to consider is whether the rules applying to the NPPL could be amended to allow additional privileges to be added to it – for example night and IMC ratings. This would probably require compliance with additional medical requirements for example 'colour safe' for night flying and hearing for flight under IFR.

Subject to further safety analysis it may be appropriate to increase the maximum weight of an aeroplane permitted to be flown using an NPPL (SSEA) from 2000kgs to 2730kgs, while keeping the current limit of four occupants permitted in the aircraft at one time.

While it is not part of this review, the medical standards for the NPPL and other UK licences are also being consulted on.

Question 56:

- Are any of the modifications and simplifications proposed for the NPPL worth pursuing? Please answer yes or no and give reasons why.

Question 57:

- Could there be financial benefits from pursuing any of the NPPL options proposed? Please answer yes or no and, if yes, give estimates.

Delegation of the NPPL issue

The current process for issuing an NPPL involves external organisations, such as the BMAA and LAA, making recommendations to us to issue licences to individuals. This model alleviates us from most of the administrative burden normally associated with issuing a licence.

However we would like to explore the possibility of external organisations actually issuing the physical licence document. This would essentially mean that while we still retained ultimate accountability for the licence, we could approve organisations to perform the licence issue, and have no routine involvement in the licensing process. Objective criteria for approving such organisations would be required.

Question 58:

- Would any organisations wish to become approved to perform tasks such as issuing the NPPL? Please answer yes or no. If possible, state who and give reasons why.

Alignment of UK licence privileges with those of EASA

Schedule 7

Currently the privileges of UK licence holders are set out slightly differently from their EASA equivalents.

UK PPL and NPPL:

- Essentially prohibited from conducting any aerial work or public transport, except flying instruction, glider towing, and in the case of UK PPL holders, parachute operations;
- With the exemption of instruction, they may not receive any remuneration for a flight; and
- In the case of UK aeroplane licences, they include specific in flight visibility limitations, 3km for PPL, 5km for NPPL.

EASA PPL and LAPL (Light Aircraft Pilot's Licence):

- May only conduct 'non-commercial' flights, except some commercial flights that EASA allow to take place under non-commercial rules, such as introductory flights and parachuting with non-complex aircraft;
- Similar to the UK licences, may only receive remuneration for instruction; and
- Unless in possession of an instrument rating, must always fly in accordance with the visual flight rules (VFR).

In accordance with the general principle that for simplicity we should align national and EASA frameworks, we believe the best solution would be to align the privileges of UK licences with those of their EASA equivalents.

For example, the privileges of UK national licences for aeroplanes include defined visibility minima, whereas EASA licences do not; they simply confer the privilege to fly under VFR, and IFR if in possession of an instrument rating. It is therefore proposed to remove the visibility restrictions from all UK licences and ratings, including the IMC rating and NPPL, and simply allow the holders of those qualifications to fly in accordance with VFR, Special VFR or IFR, as applicable.

In most cases this will have the effect of allowing UK PPL holders to fly in conditions of lower visibility, since in some circumstances such as flight in Class G airspace, VFR is possible down to 1500m visibility. Particularly for the NPPL this is a significant decrease in the minimum in flight visibility minima, however this is no different from the privileges of the LAPL in the same circumstances.

However there may be instances in which aligning with the VFR minima may cause a loss of utility. For example when a UK licence holder is within the in visibility minima of their licence, but not VFR; currently in such instances they may comply with the IFR instead.

Case study: UK PPL vs EASA PPL visibility privileges

Scenario 1, below 3000ft, class G airspace:

When flying below 3000ft in class G airspace, a UK PPL holder is currently restricted to an in-flight visibility of 3km, and the NPPL 5km. However an EASA PPL or LAPL may fly in accordance with the VFR, which below 3000ft in class G airspace, is possible down to 1500m. In this case, the alignment represents an increase utility.

Scenario 2, above 3000ft, class G airspace:

When flying above 3000ft the situation changes; an EASA PPL or LAPL no longer needs to be in sight of the surface, since this is no longer required for the aircraft to fly under VFR. This is also a significant increase in utility above the UK privileges.

However the pilot must comply with the VFR at all times, which means maintaining 1500m from cloud and 5km in flight visibility, whereas the UK PPL holder can comply with the IFR, provided they remain within 3km in flight visibility minima of their licence. The UK licence holder may also be able to fly closer to the clouds, because provided they comply with the IFR, the do not need to remain 1500m clear.

It may be that these distinctions are irrelevant to the practical realities of flying, in which it is difficult to judge precise distances from cloud or indeed in flight visibility. But they should be acknowledged and considered.

Question 59:

- Should the privileges of UK licences be aligned with those of their EASA equivalents? Please answer yes or no and give reasons why.

Licensing for smaller aircraft

We have reviewed the requirements for the licensing of smaller aircraft, such as the need to hold a licence for some single occupant aircraft, and believe there may be scope for revising the requirements.

At present the ANO requires a licence for the pilots of most aircraft that are not foot launched, except for non-EASA gliders.

However for single occupant aircraft, of less than 300kgs takeoff weight, it may be unnecessary to require a licence to fly them, since their associated risk to third parties may be very low. An alternative may be simply requiring an air law exam, or training as a mitigation to protect other airspace users.

Use of the current single seat deregulated (SSDR) definition would be logical in this context, since it is designed to ensure the aircraft within it are of low speed and inertia. Alternatively, 115kgs maximum takeoff weight, which is the limit of the FAA's 'Ultralight'

category (which has no formal pilot certification or airworthiness requirements), could be used.

We also considered this issue in the context of a recent proposal to introduce some training for powered foot-launched aircraft, such as paramotors. This came about from concerns that the level of knowledge of air law amongst some paramotor pilots was inadequate, meaning they may not follow of the Rules of the Air fly or might fly in controlled airspace, without realising the dangers posed to other airspace users of doing so.

A logical approach to this issue may be to establish a common minimum standard of training and air law knowledge that should be required before flying certain aircraft. Alternatively, it may be that more targeted guidance, for example the 'Skyway Code', is sufficient to ensure the protection of third parties on the ground and other airspace users.

Question 60:

- For SSDR types and the range of lighter aircraft below that, for example paramotors, what training and licensing requirements should be applicable? Please give examples.

Question 61:

- Could you see any financial benefits from removing the requirement to hold a formal licence for small single occupant aircraft? Please answer yes or no and, if yes, give estimates.

Use of foreign licences on UK registered non-EASA aircraft

Article 62

The current article 62 renders valid third country licences for UK registered aircraft. This is limited to private flight, including under IFR (if an Instrument Rating is held) outside of controlled airspace. We considered whether this could be extended to allow greater privileges; such as flight under IFR in controlled airspace, or the exercising of privileges of foreign instructor ratings towards the grant or renewal of a foreign licence.

For example, until the early 1980s, a foreign instrument rating could be used for flight under IFR in controlled airspace, but this was later amended to restrict the exercising of the privilege to IFR outside of controlled airspace – possibly due to concerns about our lack of oversight of training standards for foreign instrument ratings.

It is unclear whether this decision made any substantive difference to safety, although it is notable that in the intervening period there was an increase in the number of foreign registered aircraft resident in the UK, likely being flown under the privileges of foreign licences, including under IFR.

From April 2016, article 62 will no longer apply to EASA aircraft. From that date all pilots of EASA aircraft, registered in any EASA member state, will have to hold either an EASA licence or a validation of their third country licence issued under the provisions of the Aircrew Regulation. This requirement will also apply to the pilots of aircraft registered in third countries that are used privately by any operator established or resident in the EU. EU legislation defines an operator as 'any legal or natural person, operating or intending to operate' an aircraft.

Any changes to article 62 would therefore only apply to the exercising of privileges in non-EASA aircraft.

Question 62:

- Should the scope of privileges that third country licence holders can exercise in non-EASA aircraft registered in the UK be expanded? Please answer yes or no and give reasons why.

Question 63:

- Would an expansion of the scope of third country licence privileges have any financial impacts? Please answer yes or no and, if yes, give estimates.

Aircraft registration

The aircraft registration provisions largely reflect ICAO requirements to maintain a registry, and were not considered to represent an undue burden on GA activity. In addition to ICAO obligations, we essentially register what we deem to require regulation.

We have already removed the requirement for exemptions for the carriage of military markings to be renewed, and except for the removal of some redundant provisions such as dealer certificates, there is little further we can do in this area.

Foreign ownership of UK registered aircraft

Article 4 and 5

However we did determine that the criteria around who may own a UK registered aircraft could be revised. Currently UK registered aircraft may be owned by:

- EEA or Commonwealth citizens; and
- UK resident Non-EEA or Commonwealth citizens, but the aircraft must only be used for private flying.

A more flexible approach would be to allow UK registered aircraft to be owned by non-EEA citizens, potentially resident or not, and allow them to be used for commercial operations. We would still wish to have the power to refuse a registration, or demand that an aircraft is registered elsewhere, if we thought the aircraft owner did not have sufficient connection to

the UK. Overall we hope this would increase the number of UK registered aircraft in the UK, and give us better oversight of them.

This approach would also ease situations in which aircraft that are currently on the UK registration change ownership and the use of the aircraft is suddenly restricted, or the registration is voided completely, simply because the aircraft has passed into the hands of a non-EEA or Commonwealth citizen.

Question 64:

- Is it appropriate to introduce more flexibility in terms of who can own a UK registered aircraft? Please answer yes or no and give reasons why.

Question 65:

- Could this flexibility in ownership have financial benefits? Please answer yes or no and if yes, give estimates.

Conclusion

We hope that in determining the areas that are worthy of revision, and setting out the possible alternative approaches, we have been true to the principles for the regulation of GA that we have set out.

Question 66:

- Have we correctly applied the principles set out at the start of the document in determining which areas of the ANO are worthy of revision and the proposed alternative approaches? Please answer yes or no and give reasons why.

Essentially fit for purpose

In general the review found the basic foundation that the ANO provides is compatible with our new approach to GA. All the areas identified in the *Key change proposals* chapter are areas in which we reasonably believe there could be scope for change. In some cases it may be the current policy outcome is appropriate, and that the current provisions are the most effective means to achieve that. However it is right that we ask the questions as to whether a different approach would be desirable.

Presented in this chapter are the areas in which we felt there was not scope for significant change to the current approach. We are still consulting on these areas, and respondents are encouraged to draw our attention to any issues that we may have drawn incorrect conclusions for, or failed to address adequately.

Some issues do fall into both areas, for example areas in which the basic policy outcome was considered appropriate, but that there may be a different way of achieving it. These have generally been included in *Key change proposals*. However where we believe the fundamental purpose of a provision is still valid, that belief will also be reflected in this section.

Flight operations

The review found that the substantive structure and requirements of the equivalent EASA regulations, that provide the basis for most non-commercial activity with non-complex EASA aircraft, is broadly appropriate to apply to non-EASA aircraft as well. If we had felt otherwise, we would not be suggesting that we adopt this approach.

Aside from this, the areas in which we consider the current requirements to be appropriate, or will be replaced with similar EASA requirements in the future included:

- The requirement in general (while potentially subject to the exceptions noted) that operations in the service of the police should be conducted under an AOC framework was considered appropriate;
- The offence to offer public or commercial air transport, without being in possession of an appropriate AOC. It is appropriate this remains an offence;
- Provisions relating to airspace requirements, for example those which give us the power to prescribe certain performance based navigation or altitude accuracy criteria, such as RVSM or other communication, navigation and surveillance requirements in different portions of airspace. We need to retain the power to set such specifications;
- Basic provisions, such as making it an offence to endanger an aircraft, or for an aircraft to endanger persons or property;

- Provisions that make the authority of the pilot in command legally enforceable, and make it an offence to be drunk on an aircraft, or smoke in contravention of a direction not to;
- Provisions covering dangerous goods that will still be applicable at a national level. This is required in order to give the Secretary of State the power to make dangerous goods regulations; and
- Provisions governing aviation fuel installations; we have recently reviewed this area comprehensively and determined that no change is required to reflect our stated policy in this area.

Airworthiness

Much of what the ANO provides for is simply the legal basis for the system of maintaining aircraft on a certificate of airworthiness, in accordance with ICAO requirements. The fundamental legal approach to this was considered appropriate. Similarly, the essential basis of the permit to fly system was considered appropriate, notwithstanding the specific proposals discussed earlier.

Much of the detailed compliance material for airworthiness is not contained in the ANO, and while we are always open to suggestions for review, it was not examined in detail in this context, since the review focused on policy outcomes that relate to the ANO provisions themselves.

Specifically we concluded the following are of appropriate intention and effect:

- The basic requirement to hold a Certificate of Airworthiness, unless an aircraft is excepted from this requirement, or holds a Permit to Fly;
- The basic legal foundation for the use of Permit to Fly aircraft;
- The basic legal foundation for continuing airworthiness processes, such as the certificates of release to service and airworthiness review;
- The requirement for applicable aircraft to have a weight schedule; and
- The provisions for the licensing of engineers.

Pilot licensing

With the possible exception of the NPPL, we have no further plans to substantially change the national licensing structure, other than the alignment proposals discussed earlier. This is because in the future the structure will merely support license holders who wish to continue to use national licenses, such as the UK PPL and CPL, which predate the introduction of EASA flight crew licensing. The provisions for these will be retained as long as there are licenses in existence, but we do not anticipate issuing many more in the future.

Specifically we felt the current provisions should be retained:

- Provisions that form the legal basis for the existence of flight crew licences in general, and specific provisions that define the privileges of the different licences in existence;
- Provisions that make it illegal to fly an aircraft without a licence, except those aircraft for which we have always determined a licence is not required, such as non-EASA gliders or any such aircraft identified to be excepted from this in the future;
- A permission process for holders of foreign sub-ICAO licences to fly in the UK;
- Provisions that require us to issue licences in general, subject to adequate training and testing;
- Provisions which enforce the requirements for the maintenance of specific licence and rating privileges;
- Provisions that allow medical certificates to be issued, and require them for different licences as is determined. This area is subject to further policy review, but the provisions that form the legal basis for the policy that has been determined are still required;
- Provisions that make it an offence to fly when medically unfit to do so;
- Provisions that empower us to approve courses of training and testing; and
- Provisions for recording flight time in personal flying logbooks.

Aircraft registration

The aircraft registration provisions were considered appropriate, and as previously discussed, reflect ICAO requirements. The basic requirement to register aircraft that require a degree of regulation, or should be registered in the interest of public safety, was deemed appropriate.

Specifically we intend to retain:

- The ability to refuse entry onto the UK register in some circumstances; and
- The provisions for ICAO compliant aircraft registration markings and the circumstances under which an aircraft does not have to display them.

The CAA's powers

The review also considered the powers and obligations under the ANO that we possess. They were examined as part of the review, and broadly considered appropriate. In light of a situation in which we may have less direct involvement with the regulation of some GA activities, it is important that we retain powers in the interests of public safety, and indeed may have to strengthen our powers of enforcement, to address any abuse associated with less direct regulatory involvement.

For the purposes of this consultation, we have prepared a detailed explanation in Annex 1 which explains the rationale and proposals for the different provisions.

Question 67:

- When considering the powers and obligations we have under the ANO, are they appropriate? Please answer yes or no and give reasons why.

Conclusion

When considering the entirety of this chapter, respondents are encouraged to refer back to the principles set out, and consider whether we have been true to them when establishing which aspects of the ANO should be left essentially unchanged in terms of the policy basis.

Question 68:

- Have we drawn the correct conclusions on the areas of the ANO for which the substantive meaning should remain the same? Please answer yes or no and give exact reasons why.

Question 69:

- Are there any areas in which we should have drawn different conclusions for or have missed? Please answer yes or no and give exact reasons why.

Other future policy and exemptions

During the review we determined which of the current exemptions to the ANO should be rationalised when the new ANO is produced. These exemptions generally reflect changes which have either already been consulted on, or are matters of long standing policy which have yet to be found a home in the ANO. They are included in this consultation for information, and do not require a response. Those general exemptions that are published in the Official Record Series can be found at www.caa.co.uk/ors4

Exemptions

Derogated commercial operations

Article 6(4a) of European Regulation (EU) No. 965/2012 as amended by Regulation (EU) No. 379/2014

ANO provisions that apply to a public transport or aerial work flight

The UK brought forward, by exemption to the ANO, the EASA provisions that allow a limited number of flights that would normally be considered aerial work or public transport under the ANO (and commercial under EASA), to only comply with the requirements for private flight (non-commercial under EASA). This included cost sharing between private individuals and 'Introductory flights'. (ORS4 1025, 1026 and 1027)

Radio navigation equipment

Article 39(2)

This exemption was issued to bring forward the effect of Part-NCO radio navigation equipage requirements, which are less prescriptive than those of Schedule 5 of the ANO. (ORS4 1085)

Requirement for an airworthiness check flight

Article 36K(5)

This exemption removed the requirement for a check flight to have been completed when conducting an airworthiness review for the purposes of a subsequent issue of a National Airworthiness Review Certificate. (ORS4 975)

Single seat deregulated microlights

Article 16(1)

The exemption for single seat microlights from the requirement to have a certificate of airworthiness, this created the 'single seat deregulated' (SSDR) category of aircraft. (ORS4 1023)

Use of a medical declaration with licences other than the NPPL

Article 72(2)

This allows holders of higher licences than an NPPL to exercise privileges equivalent to those of the NPPL when in possession of a medical declaration, and not a higher form of medical certificate. (ORS4 995)

Other future policy

Type approved permit aircraft

Article 23

'Type approved' permit aircraft are normally issued individual exemptions to allow them to be used for remunerated flying instruction and self-fly hire. The new ANO will allow type approved permit aircraft to be used for such purposes in general, subject to the same conditions associated with the current individual exemptions.

'E conditions'

Article 16 and Schedule 2

This new provision, which is being consulted on separately, will allow prototype aircraft to be flown on an experimental basis.

Introduction of a CPL and night rating for gyroplanes

Schedule 7 Part A

Introduction of a new CPL for gyroplanes – work is currently underway on a new syllabus and the new licence will be included in the ANO in 2016. The associated privileges will be included. There will also be a new night rating for gyroplanes.

Question 70:

- Have we missed any exemptions or current policy that could be included in the future ANO? Please answer yes or no and give reasons why.

Redundant provisions

During the review process a number of articles that were identified that could simply be deleted with no future equivalence. This was generally because:

- They have been superseded by other articles;
- They relate to processes or procedures no longer used;
- They duplicate requirements from other articles or pieces of legislation; or
- The requirement is no longer warranted.

For each article, a brief explanation for the deletion will be given; respondents are asked to highlight any unintended consequences of this, or any purpose of the article that the review may have missed. We normally determined that the provisions could be deleted in general, however if it should transpire at a later date that for operations outside the scope of the review, they may be retained for that purpose.

Article 6 (paragraphs 5, 6 and 7) – Application for registration and Schedule 3, Part B – relating to aircraft dealer certificates

This is a mechanism that we no longer use, and have not done so for approximately ten years.

Article 24 – Issue and validity of Certificates of Validation of permits to fly or equivalent documents

Historically this was used for foreign registered aircraft holding sub-ICAO airworthiness documentation. However this provision has not been used for a long time, since generally today an aircraft is either permitted to stay in the UK for set period of time, on the documentation of its state of registry, or if staying in the UK permanently, would be issued with an equivalent UK permit.

Article 25 – Requirement for an approved maintenance schedule and a certificate of maintenance review for non-EASA aircraft

This relates to airworthiness documents and procedures that predate the introduction of non-expiring Certificates of Airworthiness and National Airworthiness Review Certificates; the future requirements are effectively reflected in Articles 36A-36O.

Article 26 – Issue of a certificate of maintenance review for non-EASA aircraft

This relates to airworthiness documents and procedures that predate the introduction of non-expiring Certificates of Airworthiness and National Airworthiness Review Certificates; the future requirements are effectively reflected in Articles 36A-36O.

Article 49 – Power to direct additional crew to be carried

The generic powers that we have to operationally direct, under Article 15, would cover this subject area if necessary.

Article 54 – Flight crew licence requirement – Exception for non-EASA gyroplanes at night

This article allows the holder of gyroplane licence act as pilot in command, to regain the privilege to fly at night, under the supervision of an instructor. We believe this relates to a currency procedure for single seat gyroplanes that is no longer used.

Article 112 (paragraphs 2, 3, 4 and 5) – Operation of radio in aircraft

The requirements of this are duplicated elsewhere in the Rules of the Air.

Article 127 – Operation of self-sustaining gliders

Not considered necessary to retain – does not fulfil a particular safety imperative.

Question 71:

- Please highlight any reasons to keep the provisions that we have decided have no further purpose?

Preliminary impact assessment

The impact assessment presented here represents a preliminary attempt at explaining and quantifying the benefits of the proposed changes. Since this is generally a deregulatory endeavour, we expect the overall impact on the sector to be positive.

Many of the questions posed in this consultation have been designed to assist in drawing together a more comprehensive and accurate estimation of the value of the changes. This will then inform a full impact assessment, which will be included in the second consultation.

Impact and benefits

The review of the ANO includes proposals for each of the functional areas of regulation: airworthiness, flight crew licensing, operations and aircraft registration. If implemented, these proposals would benefit the GA community compared to the alternative of retaining the current ANO. We consider that the benefits would be in terms of both:

- Cost savings to both businesses and private individuals; and
- Expansion of GA business.

Three GA operators provided us with estimates of the impact of the proposed changes on their businesses. These firms where:

- A maintenance and continuing airworthiness management organisation that maintains a variety of GA types from light aircraft up to midsized corporate jets;
- A type design organisation providing continuing airworthiness support; and
- An EASA and CAA certified maintenance organisation, maintaining a variety of EASA and non-EASA light aircraft.

Each of these firms is a small business with none employing more than about 20 people.

The operators' comments are set out below with our initial views on the impact of the proposals. The responses to this consultation will provide more information for the cost benefit analysis of the impact assessment.

Cost savings

Where the changes make the ANO shorter, simpler and easier to understand, GA operators will need less time to review the ANO and explain its provisions to customers and, therefore, benefit from ongoing cost reductions. The organisations we consulted prior to this consultation estimated the amount of time they spent reviewing regulatory compliance.

- The continuing airworthiness maintenance organisation spent about two hours per week reviewing various regulations, including the ANO. It also spent about two hours reviewing and assimilating a substantive change to the regulations;
- The type design organisation spent about half an hour per week on the ANO, and often more time explaining the regulations to customers; and
- The certified maintenance organisation spent about an hour a day on regulatory compliance, although referring to the ANO is relatively rare, except when checking an aircraft's compliance with equipage requirements. The latter might occur several times per month.

We do not have figures for the cost savings from simplifying the ANO. However, we expect that our proposals could reduce the time GA organisations spend checking regulatory requirements by about a quarter to a half.

- We expect that the introduction of a 'Skyway code' would reduce the amount of time that pilots and GA organisations have to spend in familiarising themselves with regulatory requirements. The impact of even a small time saving per pilot could be substantial when multiplied by the number of UK private pilot licence holders (21,978 in 2012);
- The certified maintenance organisation thought that removing the prescriptive equipment specifications from the ANO (to bring it into line with EASA requirements) would save time. It said that when it buys a new aircraft, it currently takes up to about four hours to review the regulations to determine compliance. Although this was quite rare, checking of aircraft might be undertaken a few times a month. We estimate that this amendment would save organisations and private pilots about 20% of the time taken to understand equipage requirements;
- The organisations noted that the proposal to no longer to require a maintenance schedule to be "approved" by us would not affect all aircraft, as for some a 50 hour check would be an appropriate way of addressing safety risks. However, some aircraft would no longer require this level of inspection, leading to a saving of about £200 (four hours work at about £50/hour) for each maintenance check saved; and
- If Article 225 requiring permission for training in foreign registered aircraft was removed, GA would save the £70 fee for the permission. As on average, 12 permissions are issued per year, this would lead to an annual saving of £840.

Additional costs

If as a result of the consultation, some form of mandatory training for paramotors is adopted, this will impose additional costs. There are currently around 1,000 to 1,500 pilots in the UK. About 500 pilots are members of BHPA and, therefore, have undergone training. The other 500 to 1,000 pilots, and new pilots, will incur time and money costs when undergoing training.

Growth of GA activity

The organisations saw potential benefits in allowing aircraft with a intermediate form of airworthiness standard, such as a Permit to Fly or 'Special category Certificate of Airworthiness', to conduct remunerated operations, such as flight training. They were reluctant to put a value on the size of the market for such aircraft without knowing the scope of the proposal, but one noted that it could allow flying schools to re-equip with newer aircraft that were half the price of newly certificated aircraft. We estimate that the cost saving could be about £80,000 per aircraft. We would expect this cost reduction to reduce the cost of flight training and grow the market. In particular, we consider that removing some of the restrictions on aircraft that can be used for flight training would reduce the cost of such training leading to more training taking place. This could lead to current training organisations flying more hours, possible new training organisations being established, and more pilots being trained.

Safety

The proposed changes are not expected to have a substantive impact on the overall level of safety within the GA sector. An integral part of the proposals is to ensure that regulations are targeted and proportionate to the safety risks for each activity. The organisations we sought views from stressed that removing requirements from the ANO would not automatically lead to cost savings as, in each case, they would assess whether the requirement would still be an appropriate way of ensuring the safety of their aircraft.

Counterfactual

In the counterfactual we assume a 'do nothing' option where the current ANO applies and businesses and private individuals in the sector continue to incur the costs of complying with the current regime.

The cost savings from ANO reform compared to the do nothing option will form the cost benefit analysis for the full impact assessment in the second consultation.

Annex 1 – The CAA's powers

As part of the review we thematically reviewed our powers by subject area, and each relevant article is set out here. We concluded that our powers are generally appropriate; however we would very much like to hear from you if you feel otherwise. Please respond to Question 67 regarding this subject.

Competent Authority

Article 246 - Competent Authority

This designates the CAA as the competent authority for a variety of European regulations, allowing the CAA to issue certificates and licences in accordance with EU regulations.

- **Proposal:** No change of intention.

Powers to direct

Article 232 - CAA's power to prevent aircraft flying

Article 10 of the Basic EASA Regulation requires the Member State, the Commission and the Agency to cooperate with a view to ensuring compliance with the regulation and its Implementing Rules. Member States must take any measure, including the grounding of aircraft, to prevent the continuation of an infringement. Implementing Rules must specify conditions for the grounding of aircraft that do not comply with the requirements of the Basic Regulation or its Implementing Rules.

This requirement is referenced in the preamble to the Air Operations Regulation. But the only provision for grounding an aircraft is contained in ARO.RAMP which only applies to aircraft used by third country operators or operators from elsewhere in the EU, not UK operators.

- **Proposal:** Consider the powers the CAA needs in the context of the relevant EASA legislation.

Article 236 - Secretary of State's power to prevent aircraft flying

This gives the power to the Secretary of State, or an authorised person to prevent flight by an aircraft if it appears that in so doing it would be in contravention of articles 120, 223 or 225.

This might include situations in which it was believed the flight of the aircraft would be prejudicial to the security of another state (art 120) or in the case of 223 or 225 a third country aircraft conducting public transport or aerial work without the relevant permission.

It also gives the CAA the power to enter any aerodrome or inspect any aircraft for the purposes of these articles.

- **Proposal:** This needs to be retained to insofar articles 120, 223 and 225 remain in force.

Article 237 - Directions to operators of aircraft to make data available

This allows the secretary of state to require operators to provide passenger data to the competent authorities of states outside of the European Economic Area – used for providing advance passenger information to the USA for example.

- **Proposal:** No change of intention.

Powers to inspect

Article 36 - Access and inspection for airworthiness purposes

This gives the power to the CAA to inspect for the purposes of relevant airworthiness legislation such as Part-145.

- **Proposal:** No change of intention.

Article 238 - Rights of access to aerodromes and other places

This gives the power to authorised persons to enter aerodromes and buildings from which air traffic services are provided, for the purposes of inspecting aircraft, relevant documents and relevant equipment.

- **Proposal:** No change of intention.

Article 156 - Production of documents and records

This requires specified documents to be presented on request such as aircraft logs, personal flying logbooks, relevant certificates and licences.

Part NCO specifies what documents should be carried, and is similar to article 150 insofar as it makes provision for documents to be left at the airfield rather than carried in flight. Part NCO however only requires documents to be presented that have been required to be onboard the aircraft, implying that those which may be retained on the ground are not required to be presented on request.

Article 156 however requires specified documents to be presented, irrespective of whether they were ever required to be onboard the aircraft or not. This provision will likely have to be retained for enforcement purposes.

- **Proposal:** Assess as part of Parts NCO/NCC implementation.

Article 158 - Power to inspect and copy documents

This gives power for documents that are required to be presented on request for inspection to be copied by an authorised person.

- **Proposal:** No change of intention.

Article 159 - Preservation of documents

Specifies the periods for which certain documents must be retained for. EASA rules make provision for this in the relevant implementing rules.

- **Proposal:** Align with ORO.MLR.115

Offences and penalties

Article 228 - Revocation, suspension and variation of certificates, licences etc.

This allows the suspension or variation of any certificate, licence or other document that the CAA has issued.

- **Proposal:** No change of intention.

Article 231 - Prohibitions in relation to documents and records

This makes it an offence to make false representations when applying for licences, certificates and approvals. Also makes it an offence to falsify documents and records.

- **Proposal:** No change of intention.

Article 239 – Obstruction of persons

This provides that no person may intentionally obstruct anyone exercising a power or duty under the ANO.

- **Proposal:** No change of intention.

Article 240 – Directions and directives

This makes it an offence to fail to comply with a direction given.

- **Proposal:** No change of intention.

Article 241 – Offences and penalties

This makes contravention of any provision listed in Schedule 13 to be a criminal offence. Civil sanctions may be available in the future for offences for which there is already a criminal penalty.

- **Proposal:** No change of intention.

Article 243 – Appeal to the County Court or Sheriff

When the CAA has revoked a personnel licence on the grounds of fitness of persons, this allows an appeal against that revocation.

- **Proposal:** No change of intention.

Schedule 12 – Penalties

Penalties for various provisions in the ANO, EU-OPS and the EASA regulations

- **Proposal:** No change of intention.

Reporting of occurrences

Article 226 – Mandatory Occurrence Reporting

This will shortly be replaced with an EU regulation.

- **Proposal:** Align with relevant EU regulation.

Article 227 - Mandatory reporting of birdstrikes

This requires the reporting of birdstrikes that do not fall within the definition of an MOR.

- **Proposal:** Consider the relevance of this to GA operations.

Definitions

Article 255 – Interpretation

This contains the definitions of words and phrases used in the ANO. Any issue with individual definitions should have been identified when analysing the relevant articles.

- **Proposal:** Determine individual definitions where appropriate.

Article 256 – Meaning of in flight

Defines when an aircraft should be considered to be 'in flight'.

- **Proposal:** Ensure this is aligned with EASA.

Article 256 – Meaning of an operator

This allows the CAA to identify the operator of an aircraft.

- **Proposal:** The EASA definition of an operator is currently not suitable for enforcement.

Article 259 & 260 - Meaning of aerial work and meaning of public transport

Alignment with EASA definitions will remove any reference to public transport/aerial work.

- **Proposal:** Align with EASA.

Part 34 - Public transport and aerial work

Part 34 contains various special rules and exceptions to the definition of public transport, that fall outside of the scope of commercial air transport. This will all be subsumed into EASA operational definitions and therefore largely disappear.

- **Proposal:** Align with EASA.

Miscellaneous

Article 245 - Certificates, authorisations, approvals and permissions

This provides that authorisations and approvals must be supplied in writing by the CAA and may be issued under conditions, and for periods, which the CAA thinks fit.

- **Proposal:** No change of intention.

Article 247 - Extra-territorial effect of the Order

This provides that the ANO applies to G-registered aircraft around the world; basis of the ICAO system.

- **Proposal:** No change of intention.

Article 253 - Exceptions from provisions of the Order for certain classes of aircraft

This excludes various small aircraft, such as small balloons and kites, from the provisions of the ANO, except with regard to specific articles which regulate the use of such aircraft.

- **Proposal:** Adjust in accordance with the output of the review of those aircraft classes.

Article 254 – Saving

This provides that there is no conferred right in any of the ANO's provisions that allows an aircraft to land without the permission of the relevant land owner.

It also states that nothing in the ANO obliges the CAA to accept an application for a renewal of a certificate or other such document more than 60 days before the expiry date.

- **Proposal:** Will investigate the CAA's practical application of the 60 day provision.

Annex 2 – Questions

1. Do the current regulations that apply to GA aim for the correct levels of safety? Please answer yes or no. If necessary, please give examples why.
2. Are we correctly deploying our regulatory tools? Please answer yes or no. If necessary, please give examples why.
3. Do you have any ideas for how regulatory functions could be discharged in a more effective manner for the GA community? Please give examples.
4. Are there any areas of GA activity in which industry could take further responsibility for risk management? Please answer yes or no. If yes, please give examples.
5. Could more regulatory functions be delegated to industry? Please answer yes or no. If yes, please give examples.
6. Are there any new enabling provisions for particular activities that should be adopted, to be reflected in a future ANO? Please answer yes or no. If yes, please give examples.
7. Do you believe that we have adopted the correct principles for our levels of regulatory intervention in GA? Please answer yes or no. If necessary, please give examples why.
8. Are there any particular areas of regulation, particularly in the ANO, which could be simplified, while continuing to have the same effect? Please answer yes or no. If necessary, please give examples.
9. Are we taking the correct approach to the construction of the future ANO and the associated regulatory material? Please answer yes or no. If no, please explain what approach should be taken.
10. Would the alignment of operational definitions for EASA and non-EASA aircraft assist understanding of the relevant operations requirements? Please answer yes or no. If necessary, please explain why.
11. Would this alignment save time in understanding the regulatory requirements and (if applicable) explaining them to your customers? Please answer yes or no. If yes, please give details of how much you think it would save.
12. Is it logical and beneficial to adopt broadly similar operations rules for both EASA and non-EASA aircraft? Please answer yes or no. If necessary, please give examples why.

13. Would the alignment proposal have any financial effects on you? If so can you quantify them in terms of time or money?

14. How much time do you spend checking operational regulatory requirements?

15. Would the ‘Skyway Code’ concept be a useful mechanism to help GA pilots understand the practical application of regulatory requirements? Please answer yes or no. If no, do you have any views on alternatives?

16. If regulatory requirements were available in a single publication, such as a Skyway Code, what proportion of this time do you think you could save?

17. Is the less prescriptive approach to the issue of towing and dropping a sensible one? Please answer yes or no. If necessary, please give details why or any alternative approaches.

18. What future involvement should we have in the regulation of parachuting itself, as opposed to the operation of the aircraft involved? Please explain any alternatives that should be considered.

19. Are the current regulations proportionate for smaller flying displays? Please answer yes or no and give examples why.

20. Would there be advantages in the legal basis for flying display director permissions simply becoming exemptions under the Rules of the Air? Please answer yes or no and explain why.

21. Could a system for ensuring the competence of display pilots become purely an industry function? Please answer yes or no and explain why.

22. Could a less prescriptive approach be taken in this area of aerial activities such as kites, glider launching and small balloons? Please answer yes or no and explain why.

23. Would this less prescriptive approach lead to any time or cost savings for you? Please answer yes or no and give examples.

24. Would having the ability to issue a permission to operate in the service of the police, without an Air Operators Certificate, be a reasonable approach to take to this issue? Please answer yes or no and give reasons why.

25. Would allowing such a permission be economically beneficial to your activities? Please answer yes or no and if yes give estimates.

26. Is it reasonable to not have detailed flight time limitations for non-commercial operations? Please answer yes or no and explain why.

27. Should hours flown under non-commercial operations rules, including flight instruction, count towards commercial air transport flight time limitations? Please answer yes or no and explain why.

28. Would revising the requirements change how many hours you flew? Please answer yes or no and explain why.
29. Would it be appropriate to have lower or less prescriptive state runway visual range minima for non-commercial, non-complex aircraft than are required for commercial air transport? Please answer yes or no and explain why.
30. Should the approach taken by Part-NCO to equipage and instrumentation, apply to non-EASA aircraft as well? Please answer yes or no and give examples why.
31. Would to align the requirements have any financial impact either positive or negative? Please answer yes or no and give estimates.
32. What should be the approach to the licensing of non-EASA aerodromes, considering that the EASA Air Operations Regulation requires that operators establish the adequacy of aerodromes before using them, whether licensed or not?
33. If aerodromes were no longer required to be licensed in order to accept commercial air transport flights, would this have any financial impact? Please answer yes or no and give examples why.
34. How should we decide on the establishment or retention of ATZs? Please give examples.
35. Do ATZs still provide a safety benefit? Please answer yes or no and explain why.
36. Is the current model of sub-ATC air traffic services the most effective? Please answer yes or no and give examples of how it could be improved on.
37. Should we consider entering unlicensed airfields into the AIP? Please answer yes or no and explain why.
38. Why, as a GA airfield operator, do you continue to maintain a licence? Please give examples.
39. Would any of the changes outlined above have an effect on whether you maintain a licence? Please answer yes or no and give examples why, including any financial considerations.
40. We have chosen to issue a general permission for remunerated flight training in non-EEA registered aircraft that are privately or group owned. Should this alleviation be taken further? Please answer yes or no and give examples why.
41. What future form do you think Article 225 should take? Please give examples.
42. Would the removal of any of the requirements related to Article 225 have an associated economic benefit? Please answer yes or no and give estimates.

43. Would the use of the ‘Special category’ CofA be an effective way to bring greater scope and clarity to commercial operations of aircraft without an ICAO CofA? Please answer yes or no and give examples why, including aircraft it could be used for.

44. Would the use of the ‘Special Category’ CofA enable you to reduce costs of doing business or allow expansion into new areas of work? Please answer yes or no. If possible, please give estimates.

45. Should more flight training in permit aircraft be permitted? Please answer yes or no and explain why. If yes, please state the circumstances, e.g. ab initio, recurrent etc.

46. If remunerated flight training were allowed in permit aircraft, please provide estimates of the effect on your business.

47. Should we remove the requirement for maintenance schedules and logbooks to be approved by us? Please answer yes or no and give reasons why.

48. Would such a change in maintenance requirements bring financial savings? Please answer yes or no and, if yes, give estimates.

49. Comparing the UK approach and that for EASA aircraft, which provides more utility for pilot owner maintenance and why?

50. What would be a reasonable approach to defining the scope of pilot owner maintenance? Please give examples.

51. Would the ability to use ‘A conditions’ under circumstances in which an aircraft did not have a valid permit to fly be of benefit? Please answer yes or no and explain why.

52. Would the use of ‘A conditions’ under circumstances in which an aircraft did not have a valid permit to fly have potential financial savings? Please answer yes or no. If yes, please give estimates.

53. Would ‘designees’ be a useful feature of the airworthiness system in the UK? Please answer yes or no and give reasons why.

54. Could there be financial savings or business opportunities associated with the use of designees? Please answer yes or no and, if yes, give estimates.

55. Would any GA organisations be interested in performing issue of permit to fly documentation? Please answer yes or no. If possible, state who and give reasons why.

56. Are any of the modifications and simplifications proposed for the NPPL worth pursuing? Please answer yes or no and give reasons why.

57. Could there be financial benefits from pursuing any of the NPPL options proposed? Please answer yes or no and, if yes, give estimates.

58. Would any organisations wish to become approved to perform tasks such as issuing the NPPL? Please answer yes or no. If possible, state who and give reasons why.

59. Should the privileges of UK licences be aligned with those of their EASA equivalents? Please answer yes or no and give reasons why.

60. For SSDR types and the range of lighter aircraft below that, for example paramotors, what training and licensing requirements should be applicable? Please give examples.

61. Could you see any financial benefits from removing the requirement to hold a formal licence for small single occupant aircraft? Please answer yes or no and, if yes, give estimates.

62. Should the scope of privileges that third country licence holders can exercise in non-EASA aircraft registered in the UK be expanded? Please answer yes or no and give reasons why.

63. Would an expansion of the scope of third country licence privileges have any financial impacts? Please answer yes or no and, if yes, give estimates.

64. Is it appropriate to introduce more flexibility in terms of who can own a UK registered aircraft? Please answer yes or no and give reasons why.

65. Could this flexibility in ownership have financial benefits? Please answer yes or no and if yes, give estimates.

66. Have we correctly applied the principles set out at the start of the document in determining which areas of the ANO are worthy of revision and the proposed alternative approaches? Please answer yes or no and give reasons why.

67. When considering the powers and obligations we have under the ANO, are they appropriate? Please answer yes or no and give reasons why.

68. Have we drawn the correct conclusions on the areas of the ANO for which the substantive meaning should remain the same? Please answer yes or no and give exact reasons why.

69. Are there any areas in which we should have drawn different conclusions for or have missed? Please answer yes or no and give exact reasons why.

70. Have we missed any exemptions or current policy that could be included in the future ANO? Please answer yes or no and give reasons why.

71. Please highlight any reasons to keep the provisions that we have decided have no further purpose?

Annex 3 – Glossary of Terms

AAIB	Air Accident Investigation Branch
ACPO	Association of Chief of Police Officers
AFIS	Aerodrome flight Information Service
AIP	Aeronautical Information Publication
AMC	Acceptable Means of Compliance
ANO	Air Navigation Order
AOC	Air Operators Certificate
ATC	Air Traffic Control
ATZ	Aerodrome Traffic Zone
BMAA	British Microlight Aircraft Association
BPA	British Parachuting Association
CAMO	Continuing airworthiness maintenance organisation
CAP	CAA Publication
CDFA	Constant Descent Final Approach
CofA	Certificate of Airworthiness
CPL	Commercial Pilots Licence
DA	Display Authorisation
DAR	Designated Airworthiness Representative
DER	Designated Engineering Representative
EASA	European Aviation Safety Agency
EEA	European Economic Area
EU	European Union
FAA	Federal Aviation Administration
FISO	Flight Information Service Officer
FTL	Flight Time Limitations
GA	General Aviation

ICAO	International Civil Aviation Organization
IFR	Instrument Flight Rules
LAA	Light Aircraft Association
LAMP	Light Aircraft Maintenance Programme
LAMS	Light Aircraft Maintenance Schedule
LAPL	Light Aircraft Pilots licence
MDA	Minimum Descent Altitude
NPPL	National Private Pilot Licence
Part-CAT	Commercial Air Transport
Part-NCC	Operations with Non-Commercial, complex aircraft
Part-NCO	Operations with Non-Commercial, non-complex aircraft
Part-SPO	Specialised Operations
PBN	Performance Based Navigation
PPL	Private Pilot Licence
RTC	Red Tape Challenge
RVR	Runway Visual Range
SEP	Single Engine Piston
SERA	Standardised European Rules of the Air
SLMG	Self Launching Motor Glider
SSAC	Safety Standards Acknowledgment and Consent
SSDR	Single Seat Deregulated
SSEA	Simple Single Engine Aeroplane
TC	Type certificate
VMC	Visual Meteorological Condition
VFR	Visual Flight Rules